REMARKS

The applicant respectfully transverses each of the rejections of Claims 1-38 by the examiner in detail as set forth in Paragraphs 1-42.

Before proceeding with responding to each of the claim rejections by the examiner, the applicant herewith makes some brief observations of the present disclosure as it relates to the Schwartz disclosure. These observations are basically related to the three independent claims and are not intended to include dependent claims.

The exit sign disclosed by the applicant results in obvious and substantial cost savings as compared to that of Schwartz for the reason that the exit sign of the applicant is produced as a single model that is shipped to the buyer without alteration. This relates to the selection of a red or green color of the LEDs to illuminate the letters of the exit sign. A color selector means is installed in every model of the exit sign to be operated by the user or installer.

Schwartz must specially manufacture at least two models of an exit sign and ship the model asked for by the buyer. So, at least two model lines are required, namely, one model of exit sign having red LEDs for the letters, and another model of the exit sign having green LEDs for the letters. Schwartz does not disclose a color selector means for the red or green letters of the sign, nor can a color selector switch be inferred.

The advantage of the exit sign of the applicant is accomplished in accordance with a color selector means that is integral with the exit sign combined with the other features of the inventive exit sign.

The above observations are in accordance with published Application No. 10/764,595 of the applicant herein wherein in paragraph [0008] it is stated:

"The present invention provides an LED lamp that enables a user to selectively, or optionally, produce distinct color outputs...An LED exit sign manufacturer, wholesaler, and retailer can stock only one basic version of the selective color LED lamp exit sign thereby reducing manufacturing, inventory, and shipping costs." (Underscoring added.)

Schwartz discloses an exit sign that comprises letters forming the word EXIT that can be illuminated by either a red color or a green color light source.

What is at issue is the means to select the red or green color for the letters of the exit sign.

Schwartz does not disclose a means for selecting the color of the letters at the site of installation. The logical conclusion is that Schwartz requires that the final structure of the electrical connection or circuits resulting in either red or green must be installed into or connected in the sign by the manufacturer at the time of manufacture in accordance with the instructions of the user without providing means for making a final color selection for the letters at a later time at the site of installation. (Underscoring added.)

Schwartz describes switches 63,65 (Figure 5; Column 9, Lines 6-25) to select the color to illuminate arrows 17,18, which are positioned in the background area. Schwartz also notes [Col. 5, Lines 43- 44]: "It may be desired to include a pair of arrows (17) and (18)..." (Underscoring added.)

Switches 63,65 of Schwartz have the capability of selecting the color for the arrows to distinguish their color from the background color and conform with the color of the letters of the exit sign or vice versa. Although this can be done on site, such a procedure is not associated with a selection of the color for the letters of the exit sign as disclosed and

claimed by the applicant. That is, nothing is accomplished by the arrow switches of Schwartz that relates to the basic red or green color selection of the letters of the exit sign.

Schwartz does not anticipate means for the selective activation of either red or green colored LEDs to illuminate the EXIT letters of the sign by the user on the site of installation.

Responses to the rejections by the examiner are herewith presented in the order of the paragraphs set out by the examiner as follows:

Paragraph 1

The examiner quotes paragraph 35 U.S.C.102 relating to rejections of Claims 1-38.

Paragraph 2

The examiner rejects Claims 1-5, 8-10 and 13-14 under 35 USC 102(b) as being anticipated by Schwartz (U.S. Patent 5697175). The applicant transverses these rejections as follows.

Paragraph 3

The examiner rejects Claim 1 under 35 U.S.C. 102(b) by Schwartz with the citation of seven features of Claim 1 with page, line and figure citations.

The applicant does not traverse under this paragraph the first, fifth, sixth and seventh of the seven cited features of Claim 1 as being anticipated by Schwartz, namely,

--the first cited feature, "a housing";

--the fifth cited feature, "means for optically diffusing said light positioned in said housing juxtapositioned to said plurality of LEDs and said means for passing light";

--the sixth cited feature, "DC circuitry in operative electrical connection with said plurality of LEDs"; and

--the seventh cited feature, "a source of electrical power activating said DC circuitry."

The applicant traverses the rejection of the second, third, and fourth cited features in combination as follows:

Claim 1, cited second feature: "a plurality of LEDs having the capability of being selectively activated to produce either of red light or green light, said plurality of LEDs being mounted in mutual lighting association in said housing." (Underscoring added.).

Schwartz citations [Figures 3-4: (39): Column 6, Lines 45-49].

Claim 1, cited third feature: "means for selective activation of said plurality of LEDs to produce either said red light or said green light." (Underscoring added.).

Schwartz citation:[Column 9, Lines 6-26].

Claim 1, cited fourth feature: "means for passing light from selected said red light or selected said green light in the form of indicia symbolizing an exit enabling viewing by an observer." (Underscoring added.).

Schwartz citation [Figure 1: (13-18); Figures 3-4 (31)].

APPLICANTS TRAVERSING ARGUMENTS RELATIVE TO EXAMINER'S REJECTION OF CLAIM 1, SECOND, THIRD, AND FOURTH FEATURES

A. Applicant's traversing argument relative to Claim 1, second feature.

1. Figures 3-4: (39) of Schwartz referred to by the examiner show the light sources for the letters EXIT of Schwartz's sign, which are analogous to the illuminated letters EXIT of the applicant's sign.

2. Column 6, Lines 45-49: "According to the code, the letter strokes and background areas should be illuminated in contrasting colors. This is easily accomplished by using commonly available red and green LEDs for the stroke and background illumination, respectively. In such a case, the troughs of the letter strokes will be filled with red-tinted resin (43) and the background areas filled with green-tinted resin (42)."

The above reference describes a result for the colors of the letters. This result is attained by the manufacturer assembling the exit sign in accordance with the requirements of the user. Schwartz is silent regarding any means of selection of red and green LEDs at the site of installation. The description of the filling of the troughs of the letter strokes and the background areas with red or green resin reinforces the logical conclusion that the LEDs of Schwartz are not capable of being selectively activated to produce either of red light or green light. The disclosure of the applicant makes clear that the selection of the color of the LEDs of the presently claimed exit sign is accomplished by manual activation of switch 54 at the site of installation.

The applicant believes that the examiner's citation relating to Claim 1, second feature has been traversed.

B. Applicant's traversing argument relative to Claim 1, third feature.

Column 9, Lines 6-26 of Schwartz cited by the examiner follows:

"The LEDs illuminating the left (62) and right (64) arrows will preferably have individual switches (63) and (65), allowing the installer to power the appropriate arrow(s) for wherever the sign is mounted. In the case of a one-color sign, the switches need only be single-pole single-throw (SPST), to turn the appropriate arrow on or off. In the preferred two-color embodiment shown, the switches switch the arrows from foreground

color to background color. The single-pole double throw (SPDT) switch arrangement shown would be appropriate when bi-color LEDs are used, simply switching the LEDs from the foreground to the background drive polarity. When the LEDs are switched to foreground color (i.e.. red), the arrow stands out from contrasting background. When switched to the background color (i.e. green), the arrow blends into the background and becomes invisible. It will be recognized by one skilled in the art that the same effect can be achieved with single-color LEDs by putting two sets of LEDs in each arrow, one for each color, and using double-pole single-throw (DPST) switches at (63) and (65) to enable or disable each color LED array." (Underscoring added.)

With regard to the examiner's reference to Schwartz [Column 9, Lines 6-26], the applicant notes that here Schwartz refers to arrows 62,64 and not to letters 13-16, that is, the word EXIT.

Applicant's Claim 1 in its entirety must be considered. Claim 1, third feature, is combined with Claim 1, fourth feature, wherein the light from the selected red light or selected green light is associated with indicia symbolizing an exit. Indicia is defined in the disclosure of the applicant in paragraph [0036] as follows: "Stencil 36A provides four transparent areas 38E, 38F, 38G and 36H that define the four letters or four indicia, in capitalized text mode or the word EXIT...." Also, "Stencil 36A optionally includes other transparent areas such as two directional symbols, namely, opposed chevron arrows 39A and 39B through which light beams projected by LEDs 32 pass for eventual viewing by an observer." In paragraph [0035] it is stated: "Stencil 36 optionally defines two directional symbols, namely, opposed chevron arrow openings 39A and 39B through which light

beams projected by LEDs 32 pass for eventual viewing by an observer." (Underscoring added.)

The applicant here in full disclosure to the examiner in the present discussion bring up a comment made by the applicant in paragraph [0007] of the present application under "Background of the Invention", which contains the following: "The indicia generally form the letters of the word EXIT and include removable or permanent chevron arrows located on opposite of the word EXIT."

Despite the differing aspect relative to the word "arrow," the applicant stands on the accepted position that the detailed portion of invention itself set forth under DETAILED DESCRIPTION OF THE INVENTION that defines the terms used within the parameters of the application herein. It is clear that the phrase "indicia symbolizing an exit" in the fourth feature of Claim 1 clearly is based on a term that is equivalent to an egress that the application makes clear is an exit and not to a mere optional general directional symbol such as an arrow. The clear statement of the applicant for the purposes of definition of the present disclosure should take precedence over a general review of prior art.

Schwartz is silent concerning any capability of being selectively activated to produce either of red light or green light for indicia symbolizing an exit shown and claimed by the applicant. The logical conclusion regarding this silence is that Schwartz intends that the manufacturer of the illuminated sign make the final assembly of the sign including electrical connections in accordance with the instructions of the user. The user of the Schwartz sign cannot selectively activate the sign to produce either red light or green light for the indicia symbolizing an exit at the site for no such means or switch is described by

Schwartz. Schwartz must specially manufacture at least two models according to special orders. (Underscoring added.)

The citation of Schwartz [Column 9, Lines 6-26] relates to the illumination of arrows 62,64 shown in Figure 5. A one-color and a two-color sign are disclosed with switches 63,65 seen in Figure 5 each operable by an installer to enable or disable an LED array that illuminates arrows 62,64.

As a general statement it is noted that the applicant discloses one model of an exit sign that can be mass produced, because every exit sign is provided with a means for the selective activation of either the plurality of LEDs to produce either red light or green light that will pass as colored red or green light in the form of indicia symbolizing an exit at the site of installation.

The exit sign disclosed by the applicant results in obvious cost savings for the reason that the present exit sign can be mass-produced as a single sign. This advantage also results in additional savings by reducing the inventory of exit signs by the manufacturer, the wholesale, and the retailer.

The applicant believes that the examiner's particular citation relating to Claim 1, third feature has been traversed.

The applicant believes that the examiner's rejection of Claim 1, third feature, of the present invention, has been traversed.

C. Applicant's traversing argument relative to Claim 1, fourth feature.

The citation of Schwartz at Figure 1: (13-18) shows the letters forming the word EXIT and two arrows. The citation of Schwartz at Figures 3-4;(31) show background area

troughs 31 that are illuminated by LEDs 41 that form the word EXIT. (Note: Letter troughs 32 in fact are illuminated by LEDs 39 to form the word EXIT.)

The applicant does disclose means for passing light from selected red light or selected green light in the form of indicia symbolizing an exit enabling viewing by an observer. The fourth feature of Claim 1 is to be read in combination with the second and third features of Claim 1. Schwartz does not show the feature of selected red light or selected green light for indicia letters and arrows 13-18 since letters and arrows 13-18 cannot be selected by a means for selective activation. On the other hand, the applicant shows selected red light or green light for indicia letters 38A-D and opposed chevron arrows 39A-B used in combination with the second and third cited features.

Means for selective activation of the red and green LEDs has been discussed above in relation to the fourth feature of Claim 1.

The applicant believes that the rejection of the fourth cited feature of Claim 1 has been overcome.

The applicant believes that the examiner's rejection of Claim 1 on the basis of the examiner's rejection of the second, third, and fourth cited features of Claim 1 has been traversed.

Paragraph 4

The examiner rejects Claim 2.

Claim 2: "The exit sign according to claim 1, wherein said plurality of LEDs further having the capability of being selectively activated by said means for selective activation to simultaneously emit both said red light and said green light so as to produce yellow light, wherein said means for selective activation of said plurality of LEDs to

produce both of said red light and said green light includes means to produce both said red light and said green light so as to produce said yellow light, wherein said yellow light passes through said means for passing light enabling viewing of said indicia by an observer."

The examiner cites Schwartz against Claim 2 as follows:

1. [Column 6, Lines 62-67]: "Another possibility for color assignment is opened up if commonly available bi-color LEDs are used for the sources. These LEDs light in red if powered in one polarity, green in the opposite polarity, and yellow if fed with AC. This would allow the sign to be flashed in alternating red-and-green colors in case of an emergency." (Underscoring added.)

2. [Column 7, Lines 37-49]: "FIG. 8 shows how two strings of single-color LEDs could be provided in contrasting colors in each area, and alternately powered to change the color. Instead of the two traces (73) (75) of FIG. 7, three or four traces (81) (83) (89) are used. Four traces are shown with the two (81) connected together, so as to allow easier automated placement of the LEDs of two colors (82) and (84) are connected in alternate sets of traces, and three or four pins (88) allow powering either color set.
All of the strings of LEDs can be connected together, or preferably, the LEDs for the letters, background and arrows will be separately powerable." (Underscoring added.)

Schwartz [Column 6, Lines 62-67] refers to the use of bi-color LEDs as light sources. Bi-color red and green LEDs can be alternatively powered to produce the color yellow if fed by AC. This would allow the sign to be flashed in alternating red and green colors in case of an emergency and yellow in case of an emergency.

Claim 2 sets forth the means for selective activation of the colors red and green to produce the color yellow to illuminate letters 38A-D.

Combining red and green colors to produce yellow is old in art of additive color mixing. What is not disclosed by Schwartz is "means for selective activation of said plurality of LEDs...so as to produce said yellow light..." Reversal of polarity of the LEDs of Schwartz is activated by an emergency activation, (not specified), to produce a flashing of red and green to produce yellow. This is not a selective activation of both the red and green LEDs illuminating the indicia to produce the color yellow.

Schwartz is silent on the matter of how the alternate powering of the bi-color LEDs to change the color is accomplished. Logic leads one to the only conclusion possible, namely, that the user gives instructions as to the features of the exit sign that are offered by the manufacturer to be installed at the time of manufacture or assembly. The maker then installs the electrical circuits that are ordered and then ships out the exit sign to the user according to the installer or user's instructions.

For these reasons the applicant believes that the examiner's rejection of Claim 2 has been traversed.

Furthermore, Schwartz does not anticipate the second, third, and fourth cited features of Claim 1 as set forth above under Paragraph 3. Claim 2 is dependent on Claim 1 and therefore limitations of Claim 1 that have been traversed by the applicant are likewise applicable to Claim 2.

For these reasons, the applicant believes that the examiner's citation of Schwartz against Claim 2 is traversed.

Paragraph 5

The examiner rejects Claim 3.

Claim 3: "The exit sign according to claim 1, wherein said plurality of LEDs includes a plurality of monochrome red LEDs and a plurality of monochrome green LEDs, each said monochrome red LED having the capability of being activated by said means for selective activation to produce said red light, and each said monochrome green LEDs having the capability of being activated by said means for selective activation to produce said green light." (Underscoring added.)

The examiner cites Schwartz against Claim 3 as follows:

1. [Column 7, Lines 37-49]: "FIG. 8 shows how two strings of single-color LEDs could be provided in contrasting colors in each area, and alternately powered to change the color. Instead of the two traces (73) (75) of FIG. 7, three or four traces (81) (83) (89) are used. Four traces are shown with the two (81) connected together, so as to allow easier automated placement of the LEDs of two colors (82) and (84) are connected in alternate sets of traces, and three or four pins (88) allow powering either color set.
All of the strings of LEDs can be connected together, or preferably, the LEDs for the letters, background and arrows will be separately powerable." (Underscoring added for emphasis.)

2. [Column 9, Lines 8-11]: "In the case of a one-color sign, the switches need only be single pole (SPST) to turn the appropriate arrow on or off." (Underscoring added.)

3. [Column 9, Lines 20-26]: "It will be recognized by one skilled in the art that the same effect can be achieved with single-color LEDs by putting two sets of LEDs to each arrow, one for each color, and using double-pole, single-throw (DPST) switches at (63) and (65) to enable or disable each color LED array." (Underscoring added.)

The examiner's citations and discussion of Schwartz combine: 1) the color of the letters, 2) the color of the background, and 3) the color of the arrows.

First of all, the color of the letters of Schwartz and the color (if present) of the background area of Schwartz have to be selected and built into the sign at the place of manufacture. The applicant can make no finding in the Schwartz disclosure of a means for selecting the color of the letters of the sign letters, or the color of the background area of the sign at the site of installation. (Underscoring added.)

Schwartz switches 63,65 would not be necessary if the illumination for the letters and the arrows were electrically supplied by one drive, the Letter Drive (59). Such a structure, however, is not disclosed by Schwartz. Switches 63, 65 have the sole purpose of selecting a color for the arrows that either contrasts with or conforms with the color of the letters. Switches 63, 65 do not have the purpose of selecting a color for the letters as does the means for selective activation to produce red light or green light in Claim 3 of the present application. (Underscoring added.)

The examiner's Schwartz citation at Column 7, Lines 37-49 also includes FIG. 8, wherein two strings of single-color LEDs could be provided by installing contrasting light sources such as LEDs having colors that can be alternately powered to change the color. The selection of the color by providing means for alternate powering of letter drive 59 must be accomplished at the place of manufacture for the reason that no means for selection at the site are disclosed. The examiner cites Schwartz at Column 7, Lines 37-49: "All of the strings of LEDs can be connected together, or preferably, the LEDs for the letters, background and arrows will be separately powerable."

To this citation the applicant comments that in such case, each of the sources of illumination for the letters, the background, and the arrows must be positioned and activated at some point. The manufacturer installs the necessary electrical components in accordance with the particular requirements of the user, wherein the letters and background areas are illuminated when the power for the sign is activated and the power for the sources of illumination of the arrows are also activated, but can be changed in color by an installer.

Also, Schwartz discloses contrasting red and green colors for the letters 13-16 by LEDs 61 and the background area 66 (See FIG. 5) by Background Drive 58. This must be done at the place of manufacture. Switches are provided by Schwartz to select the color of the sources of illumination for the arrows and not the letters. (Underscoring added.)

Claim 3 of the applicant describes means for selective activation of each monochrome red LED to produce red light or each monochrome green LED to produce green light to illuminate the indicia 38A-38D, which correspond to indicia letters 13-16 of Schwartz.

Schwartz does not make any such disclosure.

Switches 63,65 (Figure 5) are means provided by Schwarz to select the color of directional arrows shown positioned in the background area . The arrows are illuminated by LEDs that are physically located near the LEDs illuminating the background area and so the electrical Background Drive 58 (Fig. 5) illuminates both arrow LEDs and background LEDs. The color of the arrows, however, must contrast with the color of the background area and conform to the selected color of the letters. Switches 63,65 are the means to be provided by the manufacturer for the installer to adjust the color of the LEDs for the arrows to contrast with the color of the background area. (Underscoring added.)

For these reasons, the applicant believes that the examiner's citation of Schwartz relative to Column 7, Lines 37-49 is traversed.

The applicant now discusses the examiner's citation of Schwartz [Column 9, Lines 8-11], which discloses individual switches 63,65 to turn the appropriate arrow on or off. The color of the arrow will either be the same as the color of the letters of the one-color sign and contrast with the background area, or contrast with the color of the letters and blend in with the background area. Switches 63-65 are simple on-off switches for the source of illumination for the arrow and are not means of selection of the color for the letters. (Underscoring added for emphasis.) Left and right arrows 62, 64 are illuminated by LEDs powered by Background Drive 58 and their final selected color will contrast in color with background area 12 and be the same as the color of the letters or will blend in with the background.

The examiner has previously made generally the same citation in Paragraph 3, third feature of Claim 1. As before, the applicant observes that Schwartz here makes reference to switches that operate to select the color of the LEDs that illuminate left and right arrows 62 and 64. Arrows 62 and 64 are illuminated with the same color as letters 13-16 and contrast with the color of background area 12.

With reference to Schwartz [Column 9, Lines 20-26], switches 63,65 of Schwartz have the purpose of selecting a color, red or green, to illuminate arrows 62,64 to contrast with (or blend in with) the preselected color, red or green, of LEDs 61 illuminating background area 12. The color selected for the arrow is dependent on the color of the letters and background area.

Schwartz does not disclose switches operable to select red color or green color in the form of indicia symbolizing an exit at the site of installation of the exit sign. For this reason, the applicant believes that the rejection of claim 3 by the examiner has been traversed. Furthermore, Schwartz does not anticipate the second, third, and fourth cited features of Claim 1 as discussed under Paragraph 3. Claim 3 is dependent on Claim 1 and the limitations of Claim 1, as set forth in Paragraph 3 is likewise applicable to Claim 3.

For the above reasons, the applicant believes that the examiner's rejection of Claim 3 has been traversed.

Paragraph 6

The examiner rejects Claim 4.

Claim 4: "The exit sign according to claim 1, wherein said plurality of LEDs includes a plurality of bicolor LEDs, each said bicolor LED having the capability of being activated by said means for selective activation to produce either said red light or said green light."

The examiner rejects Claim 4 on the basis that "Schwartz discloses the plurality of bicolor LEDs, whereby each said bicolor LED has the capability of being activated by the means for selective activation to produce either the red light or the green light." Citations by the examiner of Schwartz follow:

1. [Column 6, Lines 62-67]: "Another possibility for color assignment is opened up if commonly available bi-color LEDs are used for the sources. These LEDs light in red if powered in one polarity, green in the opposite polarity, and yellow if fed with AC. This would allow the sign to be flashed in alternating red-and-green colors in case of an emergency." (Underscoring added.)

2. [Column 9, Lines 10-17]: "In the preferred two-color embodiment shown, the switches switch the arrows from foreground color to background color. The single-pole, double throw (SPDT) switch arrangement shown would be appropriate when bi-color LEDs are used, simply switching the LEDs from the foreground to the background drive polarity."

Schwartz [Column 6, Lines 62-67] describing an alternative color assignment system by bi-color LEDs fed in different polarities to produce red or green light cannot be accomplished by a means for selection on the installation site. It is apparent that the selection of colors must be made and structured into the system at the place of manufacture for there is no description of a selection switch or other means of selection that could be done at the installation site. (Underscoring added.)

Schwartz [Column 9, Lines 10-17] has reference to a switch to select the color of arrows 62,64 that would contrast to or blend in with the color of the background area. The arrows of Schwartz are located in the background area for the reason of design convenience, and so are illuminated from the same background drive 58. Generally, however, it is desirable that the arrows contrast with the background color and so the switch is provided. (The applicant parenthetically comments that arrows 62,64 appear to be the same as arrows 17,18 [Column 5, Line 44-45].

The SPDT switch of Schwartz is not associated with a means of selection of the color of the indicia of the exit sign.

The provision of a means of selection of the color or the indicia of the exit sign of the present disclosure results in the ability to provide one model of the exit sign.

The arrow switch described by Schwartz does not result in a single model of the exit sign that can be manufactured and shipped to suppliers. The manufacturer of the exit sign of Schwartz must make each exit sign in accordance with special instructions from the user.

For this reason, the applicant believes that the reasons for the rejection of Claim 4 by the examiner have been overcome.

Furthermore, Schwartz does not anticipate the second, third, and fourth cited features of Claim 1 as discussed above under Paragraph 3. Claim 4 is dependent on Claim 1 and the limitations of Claim 1 are likewise applicable to Claim 4.

For the above reasons, the applicant believes that the examiner's rejection of Claim 4 has been traversed.

Paragraph 7

The examiner rejects Claim 5.

Claim 5: "The exit sign according to claim 1, wherein said means for optically diffusing said light is an optical diffuser."

The examiner cites Schwartz.

[Column 6, Lines 28-36]. "The light from the sources may be additionally diffused, and the light sources protected, by filling the troughs with a transparent substances (42) and (43) as shown in FIG. 4, preferably a plastic resin chosen from the many available to the art. The resin is preferably colored the same as the LEDs, to aid in the diffusion and provide color when the lights are off. The resin in the letter stroke area and in the background area are preferably tinted in contrasting colors."

The diffuser 34 of the applicant's application is shown in Figure 1B as horizontal crossbars. Diffuser 34 is different in structure from the transparent substances 42, 43 of Schwartz, but performs a similar function.

Schwartz, however, does not anticipate the second, third, and fourth cited features of Claim 1 as discussed above under Paragraph 1. Claim 5 is dependent on Claim 1 and the limitations of Claim 1 are likewise applicable to Claim 5.

For the above reasons, the applicant believes that the examiner's rejection of Claim 5 has been traversed.

Paragraph 8

The examiner rejects Claim 8.

Claim 8: "The exit sign according to claim 1, wherein said indicia symbolizing an exit is four independent letters forming the word EXIT."

The examiner cites Schwartz: [Figure 1: (13-16)].

Figure 1 of Schwartz shows four independent letters forming the word EXIT.

The present application shows indicia 38A-38D as forming the word EXIT.

Schwartz, however, does not anticipate the second, third, and fourth cited features of Claim 1 as discussed above under Paragraph 3. Claim 8 is dependent on Claim 1 and the limitations of Claim 1 are likewise applicable to Claim 8.

For the above reasons, the applicant believes that the examiner's rejection of Claim 8 has been traversed.

Paragraph 9

The examiner rejects Claim 9.

Claim 9: "The exit sign according to claim 1,wherein said indicia symbolizing an exit includes at least one symbol indicating an exit."

The examiner cites Schwartz [Figure 1: (17-18)].

Figure 1 of Schwartz shows two symbols 17,18 that indicate a direction, but do not indicate an exit.

Claim 9 is based upon the terminology of "indicia symbolizing an exit" of Claim 1. Such terminology is based on the phrase "Other words, symbols, or ideogram indicia can include an exit" as set forth in the disclosure of the applicant [Paragraph 0007]. For example, "EXIT" in English would be different from other words for "exit" in other languages including a language that uses ideograms.

Claim 9 is further based on the following statement from the same Paragraph [0035]: "Stencil 36 ... includes four light passageway openings 38A, 38B, 38C and 38D that define the four letters, or four indicia, in capitalized mode of the word EXIT...". Now, with reference to the examiner's citation of arrows 17,18 of Schwartz being cited against Claim 9, the applicant notes that the basis for the lexicography for the present disclosure is that of the applicant herein is disclosed in the present application. The definition of the term "symbol indicating an exit" refers to "words or symbols in non-English speaking countries that have an analogous meaning to the word EXIT in English." [Paragraph 0007] and in particular it is clear that the definition does not refer to directional symbols, namely, opposed chevron arrows 39A and 39B. (Underscoring added.)

In the main body of the present disclosure the applicant clearly limits the term "chevron arrows" 39A and 39B [Paragraph 0035] as follows: "Stencil 36 optionally defines two directional symbols, namely, opposed chevron arrow openings 39A and 39B

through which light beams projected by LEDs 32 pass through for eventual viewing by an observer." (Underscoring added.) Also Paragraph [0036] states: "Stencil 36A optionally includes other transparent areas such as two directional symbols, namely, opposed chevron arrows 39A and 39B through which light beams projected by LEDs 32 pass for eventual viewing by an observer." (Underscoring added.)

At this point, the applicant points out to the examiner that a possible conflict on the meaning of "arrows" exists within the application herein. This possible conflict is in fact not a conflict as will now be argued as follows.

Terminology of Paragraph [0007] under "Background of the Invention" differs from the above definition of directional arrows. Specifically, Paragraph [0007] states: "The indicia generally form the letters of the word EXIT and include removable or permanent chevron arrows located on opposite sides of the word EXIT." (Underscoring added.)

The applicant again notes that the above quotation is taken from "Background of the Invention" , which is a secondary area of the disclosure. The purpose of the comment on the background of the prior art is not to define the terminology for the present application. The main body of the disclosure carries the primary authority of definition, and with this in mind chevron arrows 39A and 39B are clearly defined as mere directional symbols. (Underscoring added.)

The applicant believes that the examiner's rejection of Claim 9 has been traversed.

Schwartz does not anticipate the second, third, and fourth cited features of Claim 1 as discussed above under Paragraph 3. Claim 9 is dependent on Claim 1 and the limitations of Claim 1 are likewise applicable to Claim 9.

For the above reasons, the applicant believes that the examiner's rejection of Claim 9 has been traversed.

Paragraph 10

The examiner rejects Claim 10.

Claim 10: "The exit sign according to claim 1, further including means for passing light from selected said red light or selected said green light in the form of at least one directional symbol enabling viewing by an observer.

The examiner cites Schwartz: [Figure 1: (17,18)].

Figure 1 of Schwartz shows the pair of arrows 17,18 .

Schwartz [Column 5, Lines 43-45] states: "In the EXIT sign application, it may be desired to include a pair of arrows (17) and (18) as will be seen below." (Underscoring added.)

Arrows 17, 18 of Schwartz are an optional feature.

The present application [Paragraph 0035] states, "Stencil 36 optionally defines two directional symbols, namely, chevron arrow openings 39A and 39B...." (Underscoring added.)

Schwartz however, does not anticipate the second, third, and fourth cited features of Claim 1 as discussed above under Paragraph 3. Claim 10 is dependent on Claim 1 and the limitations of Claim 1 are likewise applicable to Claim 10.

For the above reason, the applicant believes that the examiner's rejection of Claim 10 has been traversed.

Paragraph 11

The examiner rejects Claim 13.

Claim 13: "The exit sign according to claim 1, further including battery means for providing emergency DC power to said plurality of LEDs in the event of failure of electrical DC power."

The applicant discloses backup battery 26 as shown in Figures 1, 4, and 5.

The examiner states that Schwartz discloses battery means [Figure 5:(54)] for providing emergency DC power to said plurality of LEDs in the event of failure of electrical DC power [Column 9, Lines 37-40].

Schwartz does not anticipate the second, third, and fourth features of Claim 1 as discussed above under Paragraph 3. Claim 11 is dependent on Claim 1 and the limitations of Claim 1 are likewise applicable to Claim 13.

For the above reasons, the applicant believes that the examiner's rejection of Claim 13 has been traversed.

Paragraph 12

The examiner rejects Claim 14.

Claim 14: "The exit sign according to Claim 13, further including means for providing emergency light including a plurality of monochrome LEDs, said means for producing emergency light being in electrical connection to said battery means."

The examiner cites Schwartz: [Column 10, Lines 1-7]; [Column 7, Lines 37-49]; [Column 9, Lines 8-11, 20-26], all of which disclose means for providing emergency light, whereby said means for producing emergency light is in electrical connection to said battery means [Figure 5:(54)].

Schwartz, however, does not anticipate the second, third, and fourth cited features of Claim 1 as discussed above under Paragraph 3. Claim 14 is dependent on Claim 13,

which is dependent on Claim 1, so the limitations of Claim 1 are likewise applicable to Claim 14.

For the above reason, the applicant believes that the examiner's rejection of Claim 14 has been traversed.

Paragraph 13

The examiner rejects Claims 15, 19-21, and 24-26 under 35 U.S.C. 102(b) as being anticipated by Schwartz (U.S. Patent 5697175).

Paragraph 14

The examiner lists seven features or limitations of Claim 15 with figure, column, and line references. The applicant does not contest under this paragraph the following referenced features:

--the first referenced feature, "a housing";

--the fifth referenced feature, "means for optically diffusing said light positioned in said housing juxtapositioned to said plurality of monochrome red LEDs and said plurality of monochrome green LEDs and said means for passing light";

--the sixth referenced feature, "DC circuitry in operative electrical connection with said plurality of monochrome red LEDs and said plurality of monochrome green LEDs"; and

--the seventh referenced feature, "a source of electrical power activating said DC circuitry."

The applicant traverses the rejection of Claim 15 with particular reference to the combination of the second, third, and fourth listed features.

Claim 15, cited second feature: "a plurality of monochrome red LEDs and a plurality of green LEDs having the capability of being selectively activated to produce either red light or green light, said plurality of monochrome red LEDs and said plurality of green LEDs being mounted in mutual lighting association in said housing" (Underscoring added.)

Schwartz citations: [Figures 3-4: (39); Column 7, Lines 37-49; Column 9, Lines 8-11, 20-26] and [Column 6, Lines 45-49].

Claim 15, cited third feature: "means for selective activation of either said plurality of monochrome red LEDs to produce said red light or said plurality of monochrome green LEDs to produce said green light;"

Schwartz citation:[Column 9, Lines 6-26].

Claim 15, cited fourth feature: "means for passing light from selected said red light or selected said green light in the form of indicia symbolizing an exit enabling viewing by an observer"

Schwartz citations: [Figure 1: (13-18); Figures 3-4;(31)].

APPLICANTS TRAVERSING ARGUMENTS RELATIVE TO EXAMINER'S REJECTION OF CLAIM 15, SECOND, THIRD, AND FOURTH FEATURES

A. Applicant's traversing argument relative to Claim 15, second feature.

1. Figures 3-4: (39) of Schwartz show the light sources for the letters EXIT of Schwartz's sign, which are analogous to the illuminated letters EXIT of the applicant's sign.

2. [Column 7, Lines 37-49]; "FIG. 8 shows how two strings of single-color LEDs could be provided in contrasting colors in each area, and alternately powered to change the color. Instead of the two traces (73) (75) of FIG. 7, three or four traces (81) (83) (89) are used. Four traces are shown with the two (81) connected together, so as to allow easier automated placement of the LEDs. LEDs of two colors (82) and (84) are connected to alternate sets of traces, and three or four pins (88) allow powering either color set."

All of the strings of LEDs can be connected together, or preferably, the LEDs for the letters, background and arrows will be separately powerable." (Underscoring added.)

The applicant has reviewed Figures 3-4, Figure 8, and the entire reference of Column 7, Lines 37-49, but can find no disclosure of " a plurality of red LEDs and a plurality of green LEDs having the capability of being selectively activated to produce either red light or green light". (Underscoring added.)

The logical conclusion to draw from the Schwartz disclosure is that Schwartz intends that the user indicate to the manufacturer what color of LEDs are needed and the manufacturer will make the electrical power connections needed to provide the required color.

The applicant is providing a complete single product that includes "the capability of being selectively activated to produce either said red light or said green light". Schwartz discloses no such capability.

3. [Column 9, Lines 8-11]: "In the case of a one-color sign, the switches need only be a single-pole single-throw (SPST), to turn the appropriate arrow on or off." (Underscoring added.)

4. [Column 9, Lines 20-26]: "It will be recognized by one skilled in the art that the same effect can be achieved with single-color LEDs by putting two sets of LEDs in each arrow, one for each color, and using double-pole single-throw (DPST) switches at (63) and (65) to enable or disable each color LED array." (Underscoring added.)

In response, the applicant notes that here, Schwartz refers to arrows 62,64 and not to indicia 13-16, that is, the word EXIT. (Underscoring added.)

Claim 15 in its entirety must be considered. Claim 15, second feature, is combined with Claim 15, fourth feature, wherein the light from the selected said red light or selected said green light is associated with indicia symbolizing an exit. Indicia is defined in the disclosure of the applicant in paragraph [0036] as follows: "Stencil 36A provides four transparent areas 38E, 38F, 38G, and 36H that define the four letters or four indicia, in capitalized text mode of the word EXIT...." Also, "Stencil 36A optionally includes other transparent areas such as two directional symbols, namely, opposed chevron arrows 39A and 39B through which light beams projected by LEDs 32 pass for eventual viewing by an observer." (Underscoring added.)

The applicant here must point out to the examiner in the requirement of full disclosure that the applicant's paragraph [0007], which reviews the Background of the Invention, contains the following: "The indicia generally form the letters of the word EXIT and include removable or permanent chevron arrows located on opposite sides of the word EXIT."

The applicant takes the position that the disclosure of the application itself is clear in the definition of the term "indicia" as defined under DETAILED DESCRIPTION OF THE INVENTION. It is clear that the phrase "indicia symbolizing an exit" in the fourth

feature of Claim 15 clearly is based on a term that is equivalent to an egress that the application makes clear is an exit and not to a mere optional general directional symbol such as an arrow. The clear statement of the applicant for the purposes of definition of the present disclosure should take precedent over a general review of prior art. (Underscoring added for emphasis.)

In response to the above citation, the applicant notes that Schwartz is silent concerning any capability of being selectively activated to produce either of red light or green light for the indicia symbolizing an exit shown and claimed by the applicant. The logical conclusion regarding from this silence is that Schwartz intends that the manufacturer of the illuminated sign make the final assembly of the sign including electrical connections in accordance with the instructions of the user. The user cannot selectively activate the sign to produce either red light or green light at the site for the word EXIT, because no such mechanism or switch is described by Schwartz. (Underscoring added for emphasis.)

5. [Column 6, Lines 45-49]: "According to the code, the letter strokes and background areas should be illuminated in contrasting colors. This is easily accomplished by using commonly available red and green LEDs for the stroke and background illumination, respectively. In such a case, the troughs of the letter strokes will be filled with red tinted resin (43), and the background filled with green-tinted resin (42)."

The applicant responds that the cited second feature of Claim 15 is to be taken in combination of the other features of Claim 15. The second cited feature refers to red and green LEDs that can be selectively activated to produce either red or green light. Such

light is to be associated with the fourth feature, which associates the selected red and green light in the form of indicia symbolizing an exit. (Underscoring added.)

Schwartz at no point discloses means to selectively activate red or green LEDs to illuminate the letters of an exit sign. The logical inference is that Schwartz is required to install the circuits for red or green illumination at the time of manufacture in accordance with the requirements of the user. The presence of red or green resin in the letter troughs of the Schwartz strongly indicates that Schwartz discloses no selective activation of either red or green LEDs.

The applicant believes that the rejection of the second cited feature of Claim 15 by the examiner has been overcome.

B. Applicant's traversing argument relative to Claim 1, third feature

[Column 9, Lines 6-26]: "The LEDs illuminating the left (62) and right (64) arrows will preferably have individual switches (63) and (65), allowing the installer to power the appropriate arrow(s) for wherever the sign is mounted. In the case of a one-color sign, the switches need only be single-pole single-throw (SPST), to turn the appropriate arrow on or off. In the preferred two-color embodiment shown, the switches switch the arrows from foreground color to background color. The single-pole double throw (SPDT) switch arrangement shown would be appropriate when bi-color LEDs are used, simply switching the LEDs from the foreground to the background drive polarity. When the LEDs are switched to foreground color (i.e.. red), the arrow stands out from the contrasting background. When switched to the background color (i.e. green), the arrow blends into the background and becomes invisible. It will be recognized by one skilled in the art that the same effect can be achieved with single-color LEDs by putting two sets of LEDs in each

arrow, one for each color, and using double-pole single-throw (DPST) switches at (63) and (65) to enable or disable each color LED array." (Underscoring added.)

The applicant comments on the above citation as follows:

As a preliminary comment, arrows 17,18 of Schwartz are optional [Column 5, Lines 45-46] : "...it may be desired to include a pair of arrows (17) and (18)..." (Underscoring added.) Arrows 62,64 of Schwartz can in the view of the applicant be no other than arrows 17,18 of Schwartz.

It is noted that the applicant discloses the following feature, "means for selective activation of either said red LEDs or said green LEDs to produce red light or green light." The red and green LEDs are in the combination of features of Claim 15, particularly in combination with the fourth listed feature, "means for passing light from selected said red light or selected said green light in the form of indicia enabling viewing by an observer." One color, red or green, will be activated to illuminate the indicia of the exit sign. (Underscoring added for emphasis.)

The term "indicia" is defined in the applicant's disclosure [Paragraph 0035] as "Stencil 36 is generally non-transparent and includes four light passageway openings 38A, 38B, 38C and 38D that define the four letters, or four indicia, in capitalized mode of the word EXIT...." and do not include "...directional symbols, namely, opposed chevron arrow openings 39A and 39B...".

The applicant notes that the above citation of Schwartz covers only the selection between red and green LEDs for the arrows 17 and 18 or arrows 62 and 64 only.

Schwartz shows no means for selection of the color of the letters of the exit sign. A key question arises: How does Schwartz select the color, red or green, to illuminate letters 13-16? (Underscoring added.)

Schwartz is silent on the means to select the color to illuminate the letters.

The logical answer to this question logically comes down to this: The color to illuminate letters 13-16 must be selected and installed at the time of manufacture.

Schwartz does not disclose any reference to selection means between red or green light sources 61 (Figure 5) for letters 13-16 (Figure 1). Such selection means would allow the installer of the exit sign to select the color of the indicia of the sign at the site of installation.

Schwartz discloses selectable colored LEDS only for directional arrows, that is to say, directional symbols. Means for selective activation for a plurality of particular colored LEDs in the form of indicia symbolizing an exit sign as disclosed by the applicant is not anticipated by the arrows of Schwartz. (Underscoring added.)

Schwartz [Column 9, Lines 1-5] states: "Figure 5 shows a block diagram of a system for powering the preferred embodiment of the invention. It its simplest state, there need only be a power source (55) and appropriate drive circuitry (59) for the LEDs (61) illuminating the letter strokes." "Appropriate drive circuitry" quite clearly indicates a manufacturing installation process. (Underscoring added.)

The applicant notes Schwartz [Column 9, Lines 63-67]: "The letter drive (59) and background drive (58) circuits may be as simple may be as simple as voltage regulators, or may include polarity switching capability for use with bicolor LEDs, or means for

switching between two color strings, if it is desired to flash alternate colors in an emergency." (Underscoring added.)

Schwartz is silent on how such polarity switching capability occurs at the site of installation. Logic leads to the conclusion that the polarity switching capability is structured into the basic sign. What follows is that the user selects the color and then the polarity is wired in by the manufacturer at the time of the final assembly in accordance with the requirements of the installer.

The applicant believes that the rejection of the third cited feature of Claim 15 by the examiner has been overcome.

C. Applicant's traversing argument relative to Claim 15, fourth feature

1. [Figure 1: (13-18)] shows the letters forming the word EXIT and two arrows.

2. [Figures 3-4;(31)] show background area troughs 31 that are illuminated by LEDs 41.

The applicant discloses means for passing light from selected red light or selected green light in the form of indicia symbolizing an exit enabling viewing by an observer. Schwartz does not show this feature for indicia letters and arrows 13-18 since the color for letters and arrows 13-18 cannot be selected by a means for selective activation. (Underscoring added for emphasis.)

The applicant claims selected red light or green light for indicia letters 38A-D and 38E-H to be used in combination with the second and third cited features.

The applicant believes that the rejection of the fourth cited feature of Claim 15 has been overcome.

Likewise, the applicant further believes that the rejections of the second and third referenced features of Claim 15 have been traversed.

The applicant believes that the rejection of Claim 15 has been traversed.

Paragraph 15

The examiner rejects Claim 19.

Claim 19: "The exit sign according to claim 15, wherein said indicia symbolizing an exit is four independent letters forming the word EXIT."

The examiner cites Schwartz: [Figure 1: (13-16)].

Figure 1 of Schwartz shows four independent letters 13-16 forming the word EXIT. Schwartz does not anticipate the cited second, third, and fourth features of Claim 15 as discussed above under Paragraph 14. Claim 19 is dependent on Claim 15 and the limitations of Claim 15 are likewise applicable to Claim 19.

For the above reasons, the applicant believes that the examiner's rejection of Claim 19 has been traversed.

Paragraph 16

The examiner rejects Claim 20.

Claim 20: "The exit sign according to claim 15,wherein said indicia symbolizing an exit includes at least one symbol indicating an exit."

The examiner cites Schwartz: [Figure 1: (17-18)].

Claim 20 is based upon the terminology of "indicia symbolizing an exit" of Claim 15. Such terminology is based on the phrase "Other words, symbols, or ideogram indicia can include an exit" as set forth in the disclosure of the applicant [Paragraph 0007]. For

example, "EXIT" in English would be different from other words for "exit" in other languages including a language that uses ideograms.

Claim 20 is further based on the following statement from the same Paragraph [0035]: "Stencil 36 ... includes four light passageway openings 38A, 38B, 38C and 38D that define the four letters, or four indicia, in capitalized mode of the word EXIT...". Now, with reference to the examiner's citation of arrows 17,18 of Schwartz being cited against Claim 20, the applicant notes that the basis for the lexicography for the present disclosure is that of the applicant herein is disclosed in the present application. The definition of the term "symbol indicating an exit" refers to "words or symbols in non-English speaking countries that have an analogous meaning to the word EXIT in English." [Paragraph 0007] and in particular it is clear that the definition does not refer to directional symbols, namely, opposed chevron arrows 39A and 39B. (Underscoring added.)

In the main body of the present disclosure, the applicant clearly limits the term "chevron arrows" 39A and 39B [Paragraph 0035] as follows: "Stencil 36 optionally defines two directional symbols, namely, opposed chevron arrow openings 39A and 39B through which light beams projected by LEDs 32 pass through for eventual viewing by an observer." (Underscoring added.) Also Paragraph [0036] states: "Stencil 36A optionally includes other transparent areas such as two directional symbols, namely, opposed chevron arrows 39A and 39B through which light beams projected by LEDs 32 pass for eventual viewing by an observer." (Underscoring added.)

At this point, the applicant points out to the examiner that a possible conflict on the meaning of "arrows" exists within the application herein. This possible conflict is in fact not a conflict as will now be argued as follows.

Terminology of Paragraph [0007] under "Background of the Invention" differs from the above definition of directional arrows. Specifically, Paragraph [0007] states: "The indicia generally form the letters of the word EXIT and include removable or permanent chevron arrows located on opposite sides of the word EXIT." (Underscoring added.)

The applicant again notes that the above quotation is taken from "Background of the Invention" , which is a secondary area of the disclosure. The purpose of the comment on the background of the prior art is not to define the terminology for the present application. The main body of the disclosure carries the primary authority of definition, and with this in mind chevron arrows 39A and 39B are clearly defined as mere directional symbols. (Underscoring added.)

The present application [Paragraph 0035] states "Stencil 36 optionally defines two directional symbols, namely, chevron arrow openings 39A and 39B...." (Underscoring added.)

Figure 1 of Schwartz shows two arrows 17,18, which "may be desired" (Schwartz [Column 5, Line 44], that is, are optional.

Schwartz, however, does not anticipate the second, third, and fourth listed features of Claim 15 as discussed above under Paragraph 14. Claim 20 is dependent on Claim 15 and the limitations of Claim 15 are likewise applicable to Claim 20.

For the above reasons, the applicant believes that the examiner's rejection of Claim 20 has been traversed.

Paragraph 17

The examiner rejects Claim 21.

Claim 21: "The exit sign according to claim 15, further including means for passing light from selected said red light or selected said green light in the form of at least one directional symbol enabling viewing by an observer."

The examiner cites Schwartz: [Figure 1: (17,18)].

Figure 1 of Schwartz shows two arrows 17,18 designated as a pair of arrows [Column 5, Lines 41-45] that are analogous to arrows 39A and 39B of the applicant designated as "directional symbols" [paragraph 0035] and [paragraph 0036].

Schwartz, however, does not anticipate the cited second, third, and fourth features of Claim 15 as discussed above under Paragraph 14. Claim 21 is dependent on Claim 20, which in turn includes the cited second, third, and fourth features of Claim 15, which are likewise included in Claim 21.

For the above reasons, the applicant believes that the examiner's rejection of Claim 21 has been traversed.

Paragraph 18

The examiner rejects Claim 24.

Claim 24: "The exit sign according to claim 15, wherein said means for optically diffusing said red and green light is an optical diffuser."

The examiner references Schwartz: [Column 6, Lines 28-36], which discloses transparent substances 42,43 preferably a plastic resin, which is preferably colored the same as the same as the LEDs. Substances 42,43 act as optical diffusers.

The present application discloses an optical diffuser 34 different in structure than substances 42,43 of Schwartz, but which performs a similar function.

Schwartz, however, does not anticipate the cited second, third, and fourth features of Claim 15 as set forth above under Paragraph 14. Claim 24 is dependent on Claim 15 and the applicant's traversing of the examiner's rejections of the second, third, and fourth features of Claim 15 set forth under Paragraph 14 are likewise applicable to Claim 24. For the above reason, the applicant believes that the examiner's rejection of Claim 24 has been traversed.

Paragraph 19

The examiner rejects Claim 25.

Claim 25: "The exit sign according to claim 15, further including battery means for providing emergency DC power to said plurality of monochrome red LEDs and said plurality of monochrome green LEDs in the event of failure of electrical DC power."

The examiner cites Schwartz: [Figure 5: (54)]; [Column 9, Lines 37-40, 59-67], which disclose emergency batteries.

The present application discloses an emergency battery 26.

Schwartz does not anticipate the second, third, and fourth features of Claim 15 as discussed above under Paragraph 14. Claim 25 is dependent on Claim 15 and the applicant's traversing of the examiner's rejections of the second, third, and fourth features of Claim 15 set forth under Paragraph 14 are likewise applicable to Claim 25.

For the above reason, the applicant believes that the examiner's rejection of Claim 25 has been traversed.

Paragraph 20

The examiner rejects Claim 26.

Claim 26: "The exit sign according to Claim 15, further including means for providing emergency light including a plurality of monochrome LEDs, said means for producing emergency light being in electrical connection to said battery means."
The examiner cites Schwartz: [Column 10, Lines 1-7]; [Column 7, Lines 37-49; Column 9, Lines 8-11, 20-26]; [Figure 5: (54)], all of which teach emergency lighting.

The applicant's application discloses emergency LEDs 48A and 48B. Schwartz does not anticipate the second, third, and fourth features of Claim 15 as discussed above under Paragraph 14. Claim 26 is dependent on Claim 15 and the applicant's traversing of the examiner's rejections of the second, third, and fourth features of Claim 15 set forth under Paragraph 14 are likewise applicable to Claim 26.

For the above reason, the applicant believes that the examiner's rejection of Claim 26 has been traversed.

Paragraph 21

The examiner rejects Claims 27–28, 31-33, and 36-38 under 35 U.S.C. 102(b) as being anticipated by Schwartz (U.S. Patent 5697175).

The applicant traverses the rejections of Claims 27-28, 31-33, and 36-38 as set forth in the following paragraphs.

Paragraph 22

The examiner rejects Claim 27 under 35 U.S.C. 103(b) by Schwartz with the citation of seven features of Claim 27 with page, line, and figure references.

The applicant does not contest under this paragraph the following referenced features:

--the first referenced feature, "a housing";

--the fifth referenced feature, "means for optically diffusing said red light or said green light positioned in said housing juxtapositioned to said plurality of bicolor red and green LEDs and said means for passing light";

--the sixth referenced feature, "DC circuitry in operative electrical connection with said plurality of bicolor red and green LEDs"; and

--the seventh referenced feature, "a source of electrical power activating said DC circuitry."

The applicant traverses the rejection of the second, third, and fourth cited features in combination as follows:

Claim 27, referenced second feature: "a plurality of bicolor red and green LEDs having the capability of being selectively activated to produce either red light or green light, said plurality of bicolor red and green LEDs being mounted in mutual lighting association in said housing". (Underscoring added.)

Schwartz references: [Figures 3-4: (39)]; [Column 6, Lines 62-67]; [Column 9, Lines 10-17]; and [Column 6, Lines 62-67].

Claim 27, referenced third feature: "means for selective activation of either said plurality of bicolor LEDs to produce either said red light or said green light". (Underscoring added.);

Schwartz references: [Column 9, Lines 10-17; 59-67];

Claim 27, referenced fourth feature: "means for passing light from selected said red light or selected said green light in the form of indicia symbolizing an exit enabling viewing by an observer". (Underscoring added.)

Schwartz reference: [Figure 1: (13-18); Figures 3-4; (31)].

APPLICANTS TRAVERSING ARGUMENTS RELATIVE TO EXAMINER'S REJECTION OF CLAIM 27, SECOND, THIRD, AND FOURTH FEATURES

A. Applicant's traversing argument relative to Claim 27, second feature:

1. Figures 3-4: (39) of Schwartz show the light sources for the letters EXIT of Schwartz's sign, which are analogous to the illuminated letters EXIT of the applicant's sign.

2. [Column 6, Lines 62-67]: "Another possibility for color assignment is opened up if commonly available bi-color LEDs are used for the sources. These LEDs light in red if powered in one polarity, green in the opposite polarity, and yellow if fed with AC. This would allow the sign to be flashed in alternating red-and-green colors in case of an emergency."

The above reference describes a result for the colors of the letters and background areas. Schwartz does not disclose how this result is obtained. This result can only be attained within the parameters of the Schwartz disclosure by the manufacturer assembling the exit sign in accordance with the polarities set in accordance with the requirements of the user. Schwartz is silent regarding any means of selection of red and green LEDs at the site of installation. (Underscoring added.)

The logical conclusion is that the LEDs of Schwartz are not capable of being selectively activated to produce either red light or green light in the form of indicia symbolizing an exit at any point, which can be extended, to the site of installation. (Underscoring added for emphasis.)

3. [Column 9, Lines 10-17]: "In the preferred two-color embodiment shown, the switches switch the arrows from foreground color to background color. The single-pole double throw (SPDT) switch arrangement shown would be appropriate when bi-color LEDs are used, simply switching the LEDs from the foreground to the background drive polarity."

The Schwartz reference is to arrows 62,64 of Schwartz and not the letters of Schwartz. Arrows 62,64 are another designation for optional arrows 17,18 [Column 5, Lines 44-45]: "...it may be desired to include a pair of arrows (17) and (18)...." Arrows 62,64 are illuminated from background drive 58 (Figure 5) because the arrows are physically located in the background area as the optimum design structure. Generally arrows 62,64 are thus colored the same as the background at the time of manufacture.. Switches 63 and 65 are old in the art of switches and allow the installer to select the desired color to conform the color of the LEDs to illuminate the arrows to the correct color, red or green that conforms with the letters 13-16 (Figure 1), and to contrast the color of the arrows to background area 12. It is also possible to conform the arrows with the background.

The arrows of Schwartz are analogous to arrows 39A and 39B of the present application, which are described as optional "directional symbols" in paragraphs [0035] and [0036] of the present invention.

Schwartz does not disclose nor suggest a switch that allows the installer in the field to selectively activate in order to produce either of red light or green light in the form of indicia symbolizing an exit (See third and fourth cited features of Claim 27.)

More basically, Schwartz discloses an illuminated exit sign that is constructed at the place of manufacture in accordance with specifications desired by the user or customer for the colors of the letters. The arrow switches 63,65 provided by Schwartz change nothing relating to the fact that the Schwartz exit sign must be specially adjusted by the manufacturer for each sign variation of red or green LEDs for the letters of the exit sign in accordance with requirements of a particular customer. (Underscoring added.)

The applicant discloses one model of exit sign that can be mass produced and shipped as one model because every exit sign is provided with a means for selective activation of either the plurality of bicolor LEDs to produce either red light or green light that will pass as colored red or green light in the form of indicia symbolizing an exit at the installation site. (Underscoring added.)

The exit sign disclosed by the applicant results in obvious cost savings for the reason that the present exit sign can be mass produced as one sign, thus reducing production costs and reducing inventory requirements by the manufacturer, wholesaler, and retailer.

The applicant believes that the examiner's rejection of Claim 27, second feature, has been traversed.

B. Applicant's traversing argument relative to Claim 27, third feature

1. [Column 9, Lines 10-17]: "In the preferred two-color embodiment shown, the switches switch the arrows from foreground color to background color. The single pole double throw (SPDT) switch arrangement shown would be appropriate when bi-color LEDs are used, simply switching the LEDs from the foreground to the background polarity."

The same argument set forth above with reference to the argument regarding the traversing argument relative to the second feature of Claim 27, likewise applies to the present reference. The examiner's reference is to arrow switches 63,65 and as such is not applicable to "means for selective activation of either said plurality of bicolor LEDs to produce either said red light or said green light" that is combined with the fourth feature of Claim 27, "means for passing light from selected said red light or said selected green light in the form of indicia symbolizing an exit..." (Underscoring added.)

2. [Column 9, Lines 59-67]: "In the preferred embodiment having contrasting illumination of the background areas, the LEDs in the background (66) will preferably be powered by their own driver circuits (58), allowing independent control of the letters and background areas. The letter drive (59) and background drive (58) circuits may be as simple as voltage regulators, or may include polarity switching capability for use with bicolor LEDs, or means for switching between two color strings; if it is desired to flash alternate colors in an emergency."

This Schwartz referenced can be best understood by reference to Figure 5. The LEDs 61 for the letters are powered by a dedicated letter drive circuit 59. LEDs 66 for the background are powered by another dedicated background drive circuit 58. Each drive circuit is controlled in various ways, such as by voltage regulators and polarity switching capability. Means for switching between color strings for flashing between color strings in an emergency must be installed at the time of assembly.

No means for selecting red light or green light for the indicia symbolizing an exit by the user at the installation site is described by Schwartz.

Schwartz does not disclose how control of the voltage regulators or polarity switching capability is achieved. The logical conclusion is that the manufacturer must adjust drive circuits 58 and 59 at the time of assembling the exit sign of Schwartz in accordance with the particular requirements of each user.

The applicant believes that the examiner's rejection of Claim 27, third feature, of the present invention, has been traversed.

C. Applicant's traversing argument relative to Claim 27, fourth feature

1. [Figure 1 (13-18)] This reference shows the letters forming the word EXIT and two arrows.

2. [Figures 3-4: (31). The examiner's reference to Schwartz at Figures 3-4;(31) show background area troughs 31 that are illuminated by LEDs 41. (Applicant's comment: LEDs 41 in fact, illuminate the background areas [Column 6, Line 38]. The examiner's reference will be taken herein as letter troughs 32 [Column 6, Line 16].)

The applicant discloses means for passing light from selected red light or selected green light in the form of indicia symbolizing an exit enabling viewing by an observer. (See Claim 27, fourth feature.) Schwartz does not show any such selective activation capability for indicia letters and arrows 13-18. (Underscoring added.)

Also, the applicant discloses selective activation capability for red light or green light for indicia letters 38A-D and opposed chevron arrows 39A-B used in combination with the second and third cited features.

The applicant believes that the rejection of Claim 27, fourth feature, has been traversed.

The applicant further believes that the rejections of the second and third referenced features of Claim 27 have been traversed.

For these reasons, the applicant believes that the examiner's rejection of Claim 27 has been traversed.

Paragraph 23

The examiner rejects Claim 28.

Claim 28: "The exit sign according to claim 27, wherein said plurality of bicolor red and green LEDs have the capability of being selectively activated by said means for selective activation to simultaneously emit both said red light and said green light so as to produce yellow light, wherein said yellow light passes through said means for passing light enabling viewing of said indicia by an observer."

The examiner cites Schwartz: [Column 6, Lines 45-49, 62-67; Column 7, Lines 37-49].

1. [Column 6, Lines 45-49]: "According to the code, the letter strokes and background areas should be illuminated in contrasting colors. This is easily accomplished by using commonly available red and green LEDs for the stroke and background illumination, respectively."

2. [Column 6, Lines 62-67]: "Another possibility for color assignment is opened up if commonly available bi-color LEDs are used for the sources. These LEDs light in red if powered in one polarity, green in the opposite polarity, and yellow if fed with AC. This would allow the sign to be flashed in alternating red-and-green colors in case of an emergency."

3. [Column 7, Lines 37-49]: "FIG. 8 shows how two strings of single-color LEDs could be provided in contrasting colors in each area, and alternately powered to change the color. Instead of the two traces (73) (75) of FIG. 7, three or four traces (81) (83) (89) are used. Four traces are shown with the two (81) connected together, so as to allow easier automated placement of the LEDs. LEDs of two colors (82) and (84) are connected to alternate sets of traces, and three or four pins (88) allow powering either color set.

All of the strings of LEDs can be connected together, or preferably, the LEDs for the letters, background and arrows will be separately powerable."

Schwartz does not disclose bicolor red and green LEDs having the capability of being selectively activated by said means for selective activation to simultaneously emit both said red light and said green light, so as to produce yellow light. (Underscoring added.)

Selective activation of bicolor LEDs to produce the color yellow of the exit sign of the present application is accomplished at the time of the installation of the exit sign as described at Paragraph [0062] as follows: "Red colors and green colors of bicolor LED 86 can be energized independently of one another by dipswitch 54A. When both the red and green colors of bicolor LED 86 are switched on and energized, a third color, namely, the color yellow, will be produced from the color mixing of the output color emissions of the color red with the color green."

It is clear that Schwartz does not disclose means for selective activation of the plurality of the bicolor red and green LEDs to produce the color yellow. The lack of disclosure by Schwartz by logic leads to the conclusion that the exit sign of Schwartz that produces the color yellow to illuminate the indicia (the letters EXIT) is assembled when an

order from a customer is received by Schwartz for yellow indicia, that is the red and green LEDs set forth in the applicant's Claim 27 are connected to an AC feed. When the limitations of Claim 27 upon which Claim 28 is dependent are considered, special basic versions of the Schwartz exit sign must be made to order, one of which is the model that produces the color yellow.

The applicant's exit sign by contrast allows the manufacturer, wholesaler, and retailer to stock only one basic model of exit sign that can be selectively activated at the site of installation to activate red, green, or a combination thereof to produce the color yellow, thus reducing manufacturing, inventory, and shipping costs.

The applicant notes that feeding the red and green LEDs with AC in case of an emergency to produce the color yellow can best be seen in Figure 5 of Schwartz where emergency 50 triggers system control circuit 60 [Column 10, Lines 1-7].

The applicant believes that the rejection of Claim 28 has been traversed.

In addition, Claim 28 is dependent on Claim 27 and the applicant's traversing of the examiner's rejections of the second, third, and fourth features of Claim 27 set forth under Paragraph 22 are likewise applicable to Claim 28.

For the above reasons, the applicant believes that the examiner's rejection of Claim 28 has been traversed.

Paragraph 24

The examiner rejects Claim 31.

Claim 31: "The exit sign according to claim 27, wherein said indicia symbolizing an exit is four independent letters forming the word EXIT."

The examiner cites Schwartz [Figure 1:(13-16)], which shows and discloses the letters forming the word "EXIT."

The applicant discloses letters 38A-38D forming the word "EXIT" as does Schwartz.

Schwartz however, does not anticipate the second, third, and fourth features of Claim 27 as discussed above under Paragraph 22. Claim 31 is dependent on Claim 27, and the applicant's traversing of the examiner's rejections of the second, third, and fourth features of Claim 27 set forth under Paragraph 22 is likewise applicable to Claim 31.

For the above reason, the applicant believes that the examiner's rejection of Claim 31 has been traversed.

Paragraph 25

The examiner rejects Claim 32.

Claim 32: "The exit sign according to Claim 27, wherein said indicia symbolizing an exit includes at least one symbol indicating an exit."

The examiner cites Schwartz [Figure 1; (17-18)], which discloses a pair of arrows 17,18.

Claim 32 is based upon the terminology of "indicia symbolizing an exit" of Claim 27. Such terminology is based on the phrase "Other words, symbols, or ideogram indicia can indicate an exit" as set forth in the disclosure of the applicant [Paragraph 0007]. For example, "EXIT" in English would be different from other words for "exit" in other languages including a language that uses ideograms.

Claim 32 is further based on the following statement from Paragraph [0035]: "Stencil 36 ... includes four light passageway openings 38A, 38B, 38C and 38D that define the four letters, or four indicia, in capitalized mode of the word EXIT...". Now, with reference to the examiner's citation of arrows 17,18 of Schwartz being cited against Claim 32, the applicant notes that the basis for the lexicography for the present disclosure is that of the applicant herein is disclosed in the present application. The definition of the term "symbol indicating an exit" refers to "words or symbols in non-English speaking countries that have an analogous meaning to the word EXIT in English." [Paragraph 0007] and in particular, it is clear that the definition does not refer to directional symbols, namely, opposed chevron arrows 39A and 39B. (Underscoring added.)

In the main body of the present disclosure the applicant clearly limits the term "chevron arrows" 39A and 39B [Paragraph 0035] as follows: "Stencil 36 optionally defines two directional symbols, namely, opposed chevron arrow openings 39A and 39B through which light beams projected by LEDs 32 pass through for eventual viewing by an observer." (Underscoring added.) Also, Paragraph [0036] states: "Stencil 36A optionally includes other transparent areas such as two directional symbols, namely, opposed chevron arrows 39A and 39B through which light beams projected by LEDs 32 pass for eventual viewing by an observer." (Underscoring added.)

At this point, the applicant points out to the examiner that a possible conflict on the meaning of "arrows" exists within the application herein. This possible conflict is in fact not a conflict as will now be argued as follows.

Terminology of Paragraph [0007] under "Background of the Invention" differs from the above definition of directional arrows. Specifically, Paragraph [0007] states:

"The indicia generally form the letters of the word EXIT and include removable or permanent chevron arrows located on opposite sides of the word EXIT." (Underscoring added.)

The applicant again notes that the above quotation is taken from "Background of the Invention" , which is a secondary area of the disclosure. The purpose of the comment on the background of the prior art is not to define the terminology for the present application. The main body of the disclosure carries the primary authority of definition, and with this in mind chevron arrows 39A and 39B are clearly defined as mere directional symbols. (Underscoring added.)

The applicant believes that the examiner's rejection of Claim 32 has been traversed.

Schwartz does not anticipate the second, third, and fourth features of Claim 27 cited by the examiner under Paragraph 22 and traversed by the applicant. Claim 32 is dependent on Claim 27 and the limitations of Claim 27 set forth under Paragraph 22 are likewise applicable to Claim 32.

For the above reasons, the applicant believes that the examiner's rejection of Claim 32 has been traversed.

Paragraph 26

The examiner rejects Claim 33.

Claim 33: 'The exit sign according to claim 27, further including means for passing light from selected said red light or selected said green light in the form of at least one directional symbol enabling viewing by an observer."

The examiner cites Schwartz: [Figure 1: (17,18)], which discloses a pair of arrows 17,18.

The applicant discloses optional directional arrows 39A and 39B [Figure 1, (39A,39B)] and [Paragraph 0035].

Schwartz does not anticipate the second, third, and fourth features of Claim 27 cited by the examiner under Paragraph 22 and traversed by the applicant. Claim 33 is dependent on Claim 27 and the limitations of Claim 27 set forth under Paragraph 22 are likewise applicable to Claim 33.

For the above reason, the applicant believes that the examiner's rejection of Claim 33 is traversed.

Paragraph 27

The examiner rejects Claim 36.

Claim 36: "The exit sign according to claim 27, wherein said means for optically diffusing said red and green light is an optical diffuser."

The examiner references Schwartz [Column 6, Lines 28-36].

[Column 6, Lines 28-36];: "The light from the sources may be additionally diffused, and the light sources protected, by filling the troughs with a transparent substance (42) and (43) as shown in Fig. 4, preferably a plastic resin chosen from the many available to the art. The resin is preferably colored the same as the LEDs, to aid in the diffusion and provide color when the lights are off. The resin in the letter stroke area and in the background area are preferably tinted in contrasting colors."

The applicant discloses an optical diffuser 34, Figure 1B, which differs in detail from the optical diffusers disclosed by Schwartz, but performs a similar function. Schwartz does not anticipate the second, third, and fourth features of Claim 27 cited by the examiner under Paragraph 22 and traversed by the applicant. Claim 36 is dependent on

Claim 27 and the limitations of Claim 27 set forth under Paragraph 22 are likewise applicable to Claim 36.

For the above reasons, the applicant believes that the examiner's rejection of Claim 36 is traversed.

Paragraph 28

The examiner rejects Claim 37.

Claim 37: "The exit sign according to claim 27, further including battery means for providing emergency DC power to said plurality of bicolor red and green LEDs in the event of failure of electrical DC power."

The examiner cites Schwartz [Figure 5:(54)], which provides emergency DC power to the bicolor red and green LEDs, and Schwartz [Column 9, Lines 37-40, 59-67]. The applicant discloses emergency battery 26 [Paragraph 0034; Paragraph 0049].

Schwartz does not anticipate the second, third, and fourth features of Claim 27 cited by the examiner under Paragraph 22 and traversed by the applicant. Claim 37 is dependent on Claim 27 and the limitations of Claim 27 set forth under Paragraph 22 are likewise applicable to Claim 37.

For the above reason, the applicant believes that the examiner's rejection of Claim 37 is traversed.

Paragraph 29

The examiner rejects Claim 38.

Claim 38: "The exit sign according to claim 27, further including means for providing emergency light including a plurality of monochrome LEDs, said means for producing emergency light being in electrical connection to said battery means."

The examiner cites Schwartz: [Column 10, Lines 1-7; Column 7, Lines 37-49; Column 9, Lines 8-11; 20-26] and [Figure 5: (54)], all of which teach emergency lighting.

The applicant discloses emergency battery 26 [Paragraph 0034; Paragraph 0049]. Schwartz does not anticipate the second, third, and fourth features of Claim 27 cited by the examiner under Paragraph 22 and traversed by the applicant. Claim 38 is dependent on Claim 27 and the limitations of Claim 27 set forth under Paragraph 22 are likewise applicable to Claim 38.

For the above reason, the applicant believes that the examiner's rejection of Claim 38 is traversed.

Paragraph 30

The examiner rejects Claims 6-7 under 35 U.S.C. 103(a) over Schwartz (U.S. Patent 5697175).

The applicant traverses the rejections of Claims 6-7 as set forth below in the following Paragraphs.

Paragraph 31

The examiner rejects Claim 6 under 35 U.S.C. 103(a) over Schwartz.

Claim 6: "The exit sign according to claim 1, wherein said means for passing light in the form of indicia is a non-transparent stencil defining light passageway openings forming said indicia, said light passing through said light passageway openings enabling viewing of said indicia by an observer."

The examiner cites Schwartz [Figure 1; Column 5, Line 62 - Column 6, Line 2]; and [Column 6, Lines 37-44] as suggesting Claim 6.

1. [Column 5, Line 62 – Column 6, Line 2]: "As can be seen in the detailed FIG. 3, each area (background, letter stroke, arrow) is formed by a trough molded into the backing (30), bordered by a relatively high projection – sections (34) and (36) forming the left and right boundaries of the letter stroke illustrated. The trough (32) between the edges (34) and (36) is preferably approximately parabolic in shape, although it could be a straight "V" or "U" shape if manufactured considerations require."

2. [Column 6, Lines 37-44]: "Figure 4 shows the same detail as Figure 3, in the preferred embodiment having the background area (31) illuminated in a contrasting color to the letter strokes. This can be easily accomplished by adding additional light sources (42) on circuit boards (40) in the center of the background area troughs (31). The background illumination LEDs illuminate the edges of the background areas (31), in the same manner as described above for the letter strokes."

The applicant has reviewed the citations of Schwartz claimed by the examiner against Claim 6 to define a non-transparent stencil defining light passageway openings. Schwartz states [Column 5, Lines 41-43]: "The sign is formed of a background area (12) (i.e. the area outside of the letter strokes) and a plurality of letters (13) to (16), in this case forming the word "EXIT". Schwartz also states [Column 5, Lines 62-64]: "As can be seen in the detailed FIG. 3, each area (background, letter stroke, arrow) is formed by a trough molded into the backing (30)..."

Schwartz further teaches [Column 6, Lines 3-5]: "An array of point light sources, such as light emitting diodes (LEDs) (39), is centrally mounted in the letter trough (32)." Schwartz further teaches [Column 6, Lines 14-17]: "The light sources (39) shine outwards

toward the edges (34) and (36) of the letter trough (32), rather than outwards toward the viewer as in the prior art."

From the above quotations, it can be seen that Schwartz does not teach a stencil defining light passageway openings forming indicia.

Furthermore, the structure of the troughs of Schwartz, which represent the inventive feature of the Schwartz patent, do not allow a stencil structure. Schwartz teaches [Column 5, Lines 62-64]: "As can be seen in the detailed FIG. 3, each area (background, letter stroke, arrow) is formed by a trough molded into the backing (30)...". Also, Schwartz [Column 6, Lines 14-26] states: "The light sources (39) shine outwards toward the edges (34) and (36) of the letter trough (32), rather than outwards toward the viewer as in the prior art. The edges reflect the light from the sources evenly forward toward the viewer, so that the viewer sees only the indirect illumination from the lighted troughs and not the direct pointillist light from the point light sources."

A stencil is a technical term for an impervious material that has areas that pass material or light, for example, for lettering or a design. The structure of the troughs of Schwartz, which represent the inventive feature of the Schwartz patent, are not perforated as is a stencil. Rather, the troughs of Schwartz reflect light towards the viewer. (Underscoring added.)

Therefore Claim 6 cannot be said to have been suggested by Schwartz.

Also, Schwartz does not anticipate the second, third, and fourth features of Claim 1 cited by the examiner under Paragraph 3 and traversed by the applicant. Claim 6 is dependent on Claim1 and the limitations of Claim 1 set forth under Paragraph 3 are likewise applicable to Claim 6.

Therefore it cannot be said that Claim 6 has been anticipated or suggested by Schwartz.

For the above reasons, the applicant believes that the examiner's rejection of Claim 6 is traversed.

Paragraph 32

The examiner rejects Claim 7 under 35 U.S.C. 103(a) over Schwartz.

Claim 7: "The exit sign according to Claim 1, wherein said means for passing light in the form of indicia is a translucent stencil having non-transparent areas and transparent areas, said transparent areas forming said indicia, said light passing through said transparent area enabling viewing of said indicia by an observer."

The examiner cites Schwartz;

[Figure 1; Column 6, Lines 28-36]: "The light from the sources may be additionally diffused, and the light sources protected, by filling the troughs with a transparent substance (42) and (43) as shown in Figure 4, preferably a plastic resin chosen from the many available to the art. The resin is preferably colored the same as the LEDs, to aid in the diffusion and provide color when the lights are off. The resin in the letter stroke area and in the background area are preferably tinted in contrasting colors."

The applicant quotes Schwartz [Column 5, Lines 62-64]: "As can be seen in the detailed FIG. 3, each area (background, letter stroke, arrow) is formed by a trough molded into the backing (30)…".; and further quotes Schwartz [Column 6, Lines 14-26]: "The light sources (39) shine outwards toward the edges (34) and (36) of the letter trough (32), rather than outwards toward the viewer as in the prior art. The edges reflect the light from the sources evenly forward toward the viewer, so that the viewer sees only the indirect

illumination from the lighted troughs and not the direct pointillist light from the point light sources."

A stencil is a technical term for an impervious material that has areas that pass material or light, for example, for lettering or a design. The structure of the troughs of Schwartz, which represent the inventive feature of the Schwartz patent, are not perforated as is a stencil. Rather, the troughs of Schwartz reflect light towards the viewer. (Underscoring added.)

From the above quotations, it can be seen that Schwartz does not teach a stencil defining light passageway openings forming indicia.

Furthermore, the structure of the troughs of Schwartz, which represent the inventive feature of the Schwartz patent, do not allow for a stencil structure.

Also, Schwartz does not anticipate the second, third, and fourth features of Claim 1 cited by the examiner under Paragraph 3 and traversed by the applicant. Claim 7 is dependent on Claim 1 and the limitations of Claim 1 set forth under Paragraph 3 are likewise applicable to Claim 7.

Therefore it cannot be said that Claim 7 has been anticipated or suggested by Schwartz.

For the above reasons, the applicant believes that the examiner's rejection of Claim 7 is traversed.

Paragraph 33

The examiner rejects Claims 11-12 under U.S.C. 103(a) over Schwartz (U.S. Patent 5697175) as applied to Claim 1, and further in view of Mueller et al. (U.S. Publication 2003/0133292).

Claim 11: "The exit sign according to claim 1, wherein said means for selective activation to produce either of said red light or said green light is a two-position DIP switch."

The examiner's rejection of Claim 11 is based upon the examiner's citations against Claim 1 combined with the DIP switch of Mueller et al.

Claim 12: "The exit sign according to claim 11, wherein said two-position DIP switch includes the capability to simultaneously activate both said red light and said green light so as to produce yellow light."

The examiner's rejection of Claim 12 is based upon the examiner's citations against Claim 1 combined with the rejection of Claim 11 combined with the DIP switch of Mueller et al.

Dipswitches have been well known in the art of switches for many years and the DIP switch of Mueller et al. is not new or unusual in the art of switches.

A dipswitch or DIP (dual inline package) switch, is a series of tiny single-pole single-throw (SPST) switches built into circuit boards. The housing for the switches, which has the same shape as a chip, is the DIP. A SIP (single inline package) switch offers similar operation, but in a single linear configuration.

Dipswitches enable the configuration of a circuit board for a particular type of computer or application. The installation instructions tell how to set the switches. Dipswitches are toggle switches, which means they have two possible positions - ON or OFF, or the numbers 1 or 0 for these SPST switches. A two-position DIP switch is basically two separate SPST switches packaged close together.

After consideration of the various types of switches known in the art of switches to select the red or green colors of the LEDs for the indicia of the present application, the applicant selected what is believed to be the best mode of operation known in the art of switches that enables the selection of the color red or the color green for the present disclosure in a low profile and compact package. In addition, a dipswitch can best achieve the color yellow as applied to the present application in the opinion of the applicant, and for this additional reason has disclosed a dipswitch. (Underscoring added.)

An alternate mode of switch operation, as one example not disclosed in the application is to use a single and separate SPST switch for the red LEDs, and a single and separate SPST switch for the green LEDs. Turning on both the SPST switches will give the color yellow.

Another alternate mode of switch operation, as another example also not disclosed in the application, is to use two separate double-pole single-throw or DPST switches, one for the red LEDs and one for the green LEDs. DPST switches offer ON or ON positions. The other ON position on each DPST switch is not connected. Such a switch could still achieve the color yellow.

Yet another alternate mode of switch operation also not disclosed in the application is to use three separate SPST switches or a three-position DIP switch one for each red, green, or yellow color LED arrays. This choice is not preferred, because yellow LEDs will have to be used that will increase cost.

A final alternate mode of switch operation not disclosed in the application is to use a single DPST switch with the red and green LEDs connected to either side of the ON or ON poles. This choice is also not preferred, because no yellow color is achievable. Only

the red or green LEDs can be ON at one time, but not both on at the same time with this configuration.

All of the above switches are so well known in the art of switches that the applicant did not believe it necessary to review all possible switches known but disclosed only what is believed to be the best type of switch to achieve the task required. Specifically, the applicant believes that the "means for selective activation of said plurality of LEDs to produce either said red light or said green light" requires the disclosure of only the best mode of switch mechanism to be used. (Underscoring added.)

Schwartz does not anticipate the second, third, and fourth features of Claim 1 as discussed above under Paragraph 3. Claim 11 is dependent on Claim 1 and the second, third, and fourth features of Claim 1 set forth under Paragraph 3 are likewise applicable to Claim 11.

Neither Schwartz alone nor Schwartz combined with Mueller et al. describes or suggests Claim 11.

With reference to Claim 12, the dipswitch is believed by the applicant to be the best mode of switch to achieve the color yellow. Claim 12 is dependent on Claim 11 and the limitations of Claim 1 and Claim 11 are likewise applicable to Claim 12.

Schwartz alone or Schwartz combined with Mueller et al. neither describes or suggests Claim 12.

For the above reasons, the applicant believes that the examiner's rejection of Claim 12 is traversed.

In summary, the applicant believes the examiner's rejection of both Claims 11 and 12 are traversed.

Paragraph 34

The examiner rejects Claims 16-18 under 35 U.S.C. 103(a) over Schwartz (U.S. Patent 5697175).

The applicant traverses the rejections of Claims 16-18 in the paragraphs below as follows.

Paragraph 35

Claim 16: "The exit sign according to claim 15, wherein said plurality of monochrome red LEDs and monochrome green LEDs have the capability of being selectively activated by said means for selective activation to simultaneously emit both said red light and said green light so as to produce a yellow light, wherein said yellow light passes through said means for passing light enabling viewing of said indicia by an observer."

The examiner cites Schwartz.

1. [Column 6, Lines 45-49]: "According to the code, the letter strokes and background areas should be illuminated in contrasting colors. This is easily accomplished by using commonly available red and green LEDs for the stroke and background illumination, respectively. In such a case, the troughs of the letter strokes will be filled with red-tinted resin (43), and the background areas filled with green-tinted resin (42)."

2. [Column 7, Lines 37-49]: "FIG. 8 shows how two strings of single-color LEDs could be provided in contrasting colors in each area, and alternately powered to change the color. Instead of the two traces (73) (75) of FIG. 7, three or four traces (81) (83) (89) are used. Four traces are shown with the two (81) connected together, so as to allow easier

automated placement of the LEDs. LEDs of two colors (82) and (84) are connected to alternate sets of traces, and three or four pins (88) allow powering either color set.

All of the strings of LEDs can be connected together, or preferably, the LEDs for the letters, background and arrows will be separately powerable." (Underscoring added for emphasis.)

3. [Column 6, Lines 62-67]: "Another possibility for color assignment is opened up if commonly available bi-color LEDs are used for the sources. These LEDs light in red if powered in one polarity, green in the opposite polarity, and yellow if fed with AC. This would allow the sign to be flashed in alternating red-and-green colors in case of an emergency." (Underscoring added.)

First, the applicant strongly disputes the examiner's statement that "Schwartz teaches the plurality of monochrome red LEDs and monochrome green LEDs having the capability of being selectively activated by said means for selective activation to emit both said red light and said green light [Column 6, Lines 45-49; Column 7, Lines 37-49]..." (Underscoring added for emphasis.)

The applicant notes that [Column 6, Lines 45-49] of Schwartz bears no description of any means for selective activation of red and green LEDs.

The Schwartz reference [Column 7, Lines 37-49] is clear that the manufacturer places and connects the strings and traces to allow for alternate powering or separable powering. The disclosure of Schwartz no where discloses "means for selective activation to emit both said red light and said green light." Rather, Schwartz is silent on any such means for selective activation. Logic leads to the conclusion that the Schwartz exit sign in assembled by the manufacturer in accordance with specific instructions from the user.

The user is unable to selectively activate the illumination of red or green LEDs at the site of installation of the exit sign. Logic leads one to the inescapable conclusion that the maker of the Schwartz exit sign assembles and makes electrical connections to the exit sign in the manufacturing plant in accordance with instructions from the user. The maker of the Schwartz exit sign, of course, offers options to the installer, who then makes choices and thereupon places the order with the maker, who proceeds to assemble the exit sign and then ship it intact to the buyer in accordance with the installer or user's instructions.

Schwartz also does not teach means for selective activation of an AC feed to the red and green LEDs to produce yellow.

The applicant here briefly observes once again the theme of the applicant's response to the examiner's rejection of Claim 15, but with the added response to the examiner's rejection of Claim 16 under U.S.C. 103(a) over Schwartz.

The examiner rejects Claim 16 under U.S.C. 103(a) with the known color technology of the combination of red and green colors producing the color yellow in mind. The applicant observes that this technology is so old that a further rejection under the combination of technologies to suggest the production of the color yellow is not warranted and is very difficult to respond to in detail except to say that perhaps the examiner has the monochrome LEDs of Claim 15 in mind. Yet to simultaneously emit both said red light and said green light from the LEDs of Claim 15 so as to produce a yellow light is so old in the art that the applicant does not believe an additional U.S.C. 103(a) rejection is warranted.

Also, Schwartz does not anticipate the second, third, and fourth features of Claim 15 cited by the examiner under Paragraph 14 and traversed by the applicant. Claim 16 is

dependent on Claim 15, and the limitations of Claim 15 set forth under Paragraph 14 are likewise applicable to Claim 16.

For the above reasons, the applicant believes that the examiner's rejection of Claim 16 is traversed.

Paragraph 36

The examiner rejects Claim 17.

Claim 17: "The exit sign according to claim 15, wherein said means for passing light in the form of indicia is a non-transparent stencil defining light passageway openings forming said indicia, said light passing through said light passageway openings enabling viewing of said indicia by an observer."

The examiner cites Schwartz: [Figure 1; Column 5, Line 62 – Column 6, Line 2]; and [Column 6, Lines 3-44].

The examiner states that "Schwartz teaches the means for passing light in the form of indicia being a stencil defining light passageway openings forming said indicia."

The applicant has reviewed the citations of Schwartz claimed by the examiner to define a non-transparent stencil defining light passageway openings.

Schwartz [Column 5, Lines 62-64] states: "As can be seen in the detailed FIG. 3, each area (background, letter stroke, arrow) is formed by a trough molded into the backing (30)...". Also, Schwartz [Column 6, Lines 14-26] states: "The light sources (39) shine outwards toward the edges (34) and (36) of the letter trough (32), rather than outwards toward the viewer as in the prior art. The edges reflect the light from the sources evenly forward toward the viewer, so that the viewer sees only the indirect illumination from the lighted troughs and not the direct pointillist light from the point light sources."

A stencil is a technical term for an impervious material that has areas that pass material or light, for example, for lettering or a design. The structure of the troughs of Schwartz, which represent the inventive feature of the Schwartz patent, are not perforated as is a stencil. Rather, the troughs of Schwartz reflect light towards the viewer. (Underscoring added.)

From the above quotations, it can be seen that Schwartz does not teach a stencil defining light passageway openings forming indicia. (Underscoring added.)

Furthermore, the structure of the troughs of Schwartz, which represent the inventive feature of the Schwartz patent, do not allow for a stencil structure.

From the above quotations, it can be seen that Schwartz does not teach a stencil defining light passageway openings forming indicia.

Schwartz does not anticipate features of Claim 17 as discussed.

Also, Schwartz does not anticipate the second, third, and fourth features of Claim 15 cited by the examiner under Paragraph 14 and traversed by the applicant. Claim 17 is dependent on Claim 15, and the limitations of Claim 15 set forth under Paragraph 14 are likewise applicable to Claim 17.

For the above reasons, the applicant believes that the examiner's rejection of Claim 17 is traversed.

Paragraph 37

The examiner rejects 18.

Claim 18: "The exit sign according to claim 15, wherein said means for passing light in the form of indicia is a translucent stencil having non-transparent areas and

transparent areas, said transparent areas forming said indicia, said light passing through said transparent areas enabling viewing of said indicia by an observer."

The examiner states that "Schwartz teaches the means for passing light in the form of indicia being a stencil defining light passageway openings forming said indicia..."

The examiner cites Schwartz [Figure 1; Column 6, Lines 28-36].

Schwartz states in the citation: "The light from the sources may be additionally diffused, and the light sources protected, by filling the troughs with a transparent substance (42) and (43) as shown in Figure 4, preferably a plastic resin chosen from the many available to the art. The resin is preferably colored the same as the LEDs, to aid in the diffusion and provide color when the lights are off. The resin in the letter stroke area and the background area are preferably tinted in contrasting colors."

Schwartz [Column 5, Lines 62-64] states: "As can be seen in the detailed FIG. 3, each area (background, letter stroke, arrow) is formed by a trough molded into the backing (30)...". Also, Schwartz [Column 6, Lines 14-26] states: "The light sources (39) shine outwards toward the edges (34) and (36) of the letter trough (32), rather than outwards toward the viewer as in the prior art. The edges reflect the light from the sources evenly forward toward the viewer, so that the viewer sees only the indirect illumination from the lighted troughs and not the direct pointillist light from the point light sources."

A stencil is a technical term for an impervious material that has areas that pass material or light, for example, for lettering or a design. The structure of the troughs of Schwartz, which represent the inventive feature of the Schwartz patent, are not perforated as is a stencil. Rather, the troughs of Schwartz reflect light towards the viewer. (Underscoring added.)

From the above quotations, it can be seen that Schwartz does not teach a stencil having non-transparent areas and transparent areas, the transparent areas forming the indicia, and the light passing through the transparent areas enabling viewing of the indicia by an observer.

Furthermore, the structure of the troughs of Schwartz, which represent the inventive feature of the Schwartz patent, do not allow for a stencil structure.

Also, Schwartz does not anticipate the second, third, and fourth features of Claim 15 cited by the examiner under Paragraph 14 and traversed by the applicant. Claim 18 is dependent on Claim 15, and the limitations of Claim 15 set forth under Paragraph 14 are likewise applicable to Claim 18.

For the above reasons, the applicant believes that the examiner's rejection of Claim 18 is traversed.

Paragraph 38

The examiner rejects Claims 22-23 under 35 U.S.C. 103(a) as being unpatentable.

The examiner cites Schwartz as applied to Claim 15, and further in view of Mueller et al. [Page 17, Paragraph 188].

Claim 22: "The exit sign according to claim 15, wherein said means for selective activation of said plurality of LEDs to produce either said red light or said green light is a two-position DIP switch."

The examiner's rejection of Claim 22 is based upon the examiner's citations of features of Claim 15 combined with the DIP switch of Mueller et al.

Claim 23: "The exit sign according to claim 22, wherein said two-position DIP switch includes the capability to simultaneously activate both said red light and said green light so as to produce yellow light."

The examiner's rejection of Claim 23 is based upon the examiner's citations of features of Claim 15 combined with the rejection of Claim 22 combined with the DIP switch of Mueller et al.

Dipswitches have been well known in the art of switches for many years and the DIP switch of Mueller et al. is not new or unusual in the art of switches.

A dipswitch or DIP (dual inline package) switch, is a series of tiny single-pole single-throw (SPST) switches built into circuit boards. The housing for the switches, which has the same shape as a chip, is the DIP. A SIP (single inline package) switch offers similar operation, but in a single linear configuration.

Dipswitches enable the configuration of a circuit board for a particular type of computer or application. The installation instructions tell how to set the switches. Dipswitches are toggle switches, which means they have two possible positions - ON or OFF, or the numbers 1 or 0 for these SPST switches. A two-position DIP switch is basically two separate SPST switches packaged close together.

After consideration of the various types of switches known in the art of switches to select the red or green colors of the LEDs for the indicia of the present application, the applicant selected what is believed to be the best mode of operation known in the art of switches that enables the selection of the color red or the color green for the present disclosure in a low profile and compact package. In addition, a dipswitch can best achieve

the color yellow as applied to the present application in the opinion of the applicant, and for this additional reason has disclosed a dipswitch. (Underscoring added.)

An alternate mode of switch operation, as one example not disclosed in the application is to use a single and separate SPST switch for the red LEDs, and a single and separate SPST switch for the green LEDs. Turning on both the SPST switches will give the color yellow.

Another alternate mode of switch operation, as another example also not disclosed in the application, is to use two separate double-pole single-throw or DPST switches, one for the red LEDs and one for the green LEDs. DPST switches offer ON or ON positions. The other ON position on each DPST switch is not connected. Such a switch could still achieve the color yellow.

Yet another alternate mode of switch operation also not disclosed in the application is to use three separate SPST switches or a three-position DIP switch one for each red, green, or yellow color LED arrays. This choice is not preferred, because yellow LEDs will have to be used that will increase cost.

A final alternate mode of switch operation not disclosed in the application is to use a single DPST switch with the red and green LEDs connected to either side of the ON or ON poles. This choice is also not preferred, because no yellow color is achievable. Only the red or green LEDs can be ON at one time, but not both on at the same time with this configuration.

All of the above switches are so well known in the art of switches that the applicant did not believe it necessary to review all possible switches known but disclosed only what is believed to be the best type of switch to achieve the task

required. Specifically, the applicant believes that the "means for selective activation of said plurality of LEDs to produce either said red light or said green light" requires the disclosure of only the best mode of switch mechanism to be used. (Underscoring added.)

Also, Schwartz does not anticipate the second, third, and fourth features of Claim 15 cited by the examiner under Paragraph 14 and traversed by the applicant. Claim 22 is dependent on Claim 15, and the limitations of Claim 15 set forth under Paragraph 14 are likewise applicable to Claim 22.

For the above reasons, the applicant believes that the examiner's rejection of Claim 22 is traversed.

Claim 23 is dependent on Claim 22 which is dependent on Claim 15 and the rejections of Claim 15 set forth under Paragraph 14 by the examiner and traversed by the applicant are likewise applicable to Claim 22 and therefore applicable to Claim 23, so that the combination of Schwartz combined with Mueller et al. neither describes nor suggests Claim 23.

For the above reasons, the applicant believes that the examiner's rejection of Claim 23 is traversed.

Paragraph 39

The examiner rejects Claims 29-30 under U.S.C. 103(a) over Schwartz (U.S. Patent 5697175).

The applicant transverses the rejections of Claims 29 and 30 in the paragraphs below as follows.

Paragraph 40

The examiner rejects Claim 29.

Claim 29: "The exit sign according to Claim 27, wherein said means for passing light in the form of indicia is a non-transparent stencil defining light passageway openings forming said indicia, said light passing through said light passageway openings enabling viewing of said indicia by an observer."

With regards to Claim 29, the examiner cites Schwartz [Figure 1; Column 5, Line 62; Column 6, Line 2]; and [Column 6, Lines 37-44].

The examiner states that "Schwartz teaches the means for passing light in the form of indicia being a stencil defining light passageway openings forming said indicia..."

Schwartz [Column 5, Lines 62-64] states: "As can be seen in the detailed FIG. 3, each area (background, letter stroke, arrow) is formed by a trough molded into the backing (30)...". Also, Schwartz [Column 6, Lines 14-26] states: "The light sources (39) shine outwards toward the edges (34) and (36) of the letter trough (32), rather than outwards toward the viewer as in the prior art. The edges reflect the light from the sources evenly forward toward the viewer, so that the viewer sees only the indirect illumination from the lighted troughs and not the direct pointillist light from the point light sources."

A stencil is a technical term for an impervious material that has areas that pass material or light, for example, for lettering or a design. The structure of the troughs of Schwartz, which represent the inventive feature of the Schwartz patent, are not perforated as is a stencil. Rather, the troughs of Schwartz reflect light towards the viewer. (Underscoring added.)

From the above references, it can be seen that Schwartz does not teach a stencil having non-transparent areas and transparent areas, the transparent areas forming the

indicia, and the light passing through the transparent areas enabling viewing of the indicia by an observer.

Furthermore, the structure of the troughs of Schwartz, which represent the inventive feature of the Schwartz patent, do not allow for a stencil structure.
For these reasons, it cannot be said that Schwartz suggests the non-transparent stencil of Schwartz under 35 U.S.C. 103(a)

Also, Schwartz does not anticipate the second, third, and fourth features of Claim 27 cited by the examiner under Paragraph 22 and traversed by the applicant. Claim 29 is dependent on Claim 27, and the limitations of Claim 27 set forth under Paragraph 22 are likewise applicable to Claim 29. The combination of Schwartz combined with Mueller et al. neither describes nor suggests Claim 29.

For the above reasons, the applicant believes that the examiner's rejection of Claim 29 is traversed.

Paragraph 41

The examiner rejects Claim 30.

Claim 30: "The exit sign according to claim 27, wherein said means for passing light in the form of indicia is a translucent stencil having non-transparent areas and transparent areas, said transparent areas forming said indicia, said light passing through said transparent areas enabling viewing of said indicia by an observer."

The examiner cites Schwartz [Figure 1; Column 6, Lines 28-36].

The applicant has reviewed the references to Schwartz claimed by the examiner to disclose a translucent stencil having transparent areas forming said indicia, but not specifically teach the translucent stencil having non-transparent areas.

The examiner states that it would have been an obvious matter of design choice to modify the stencil to incorporate the non-transparent areas.

Schwartz states in the reference: "The light from the sources may be additionally diffused, and the light sources protected, by filling the troughs with a transparent substance (42) and (43) as shown in Figure 4, preferably a plastic resin chosen from the many available to the art. The resin is preferably colored the same as the LEDs, to aid in the diffusion and provide color when the lights are off. The resin in the letter stroke area and in the background area are preferably tinted in contrasting colors."

Schwartz [Column 5, Lines 62-64] states: "As can be seen in the detailed FIG. 3, each area (background, letter stroke, arrow) is formed by a trough molded into the backing (30)...". Also, Schwartz [Column 6, Lines 14-26] states: "The light sources (39) shine outwards toward the edges (34) and (36) of the letter trough (32), rather than outwards toward the viewer as in the prior art. The edges reflect the light from the sources evenly forward toward the viewer, so that the viewer sees only the indirect illumination from the lighted troughs and not the direct pointillist light from the point light sources."

A stencil is a technical term for an impervious material that has areas that pass material or light, for example, for lettering or a design. The structure of the troughs of Schwartz, which represent the inventive feature of the Schwartz patent, are not perforated as is a stencil. Rather, the troughs of Schwartz reflect light towards the viewer. (Underscoring added.)

From the above references, it can be seen that Schwartz does not teach a stencil having non-transparent areas and transparent areas, the transparent areas forming the

indicia, and the light passing through the transparent areas enabling viewing of the indicia by an observer.

Furthermore, the structure of the troughs of Schwartz, which represent the inventive feature of the Schwartz patent, do not allow for a stencil structure.

From the above quotations, it can be seen that Schwartz does not teach a light diffusing structure that could be modified to a translucent stencil defining light transparent areas forming said indicia. The entire invention of Schwartz is based upon a sign body forming troughs formed in the shape of a letter and light sources illuminating inward facing sides of the troughs. Schwartz teaches reflected light seen by an observer. The applicant teaches light passing through transparent areas that is seen directly by an observer. (Underscoring added for emphasis.)

As such, the features of Claim 30 are neither anticipated nor suggested by Schwartz.

Also, Schwartz does not anticipate the second, third, and fourth features of Claim 27 cited by the examiner under Paragraph 22 and traversed by the applicant. Claim 30 is dependent on Claim 27 and the limitations of Claim 27 set forth under Paragraph 22 are likewise applicable to Claim 30.

For the above reasons, the applicant believes that the examiner's rejection of Claim 30 is traversed.

Paragraph 42

The examiner rejects claims 34-35 under 35 U.S.C. 103(a).

Claim 34: "The exit sign according to claim 27, wherein said means for selective activation of said plurality of bicolor LEDs to produce either said red light or said green light is a two-position DIP switch.

Claim 35: "The exit sign according to Claim 34, wherein said two-position DIP switch includes the capability to simultaneously activate both said red light and said green light of said plurality of bicolor red and green LEDs so as to produce yellow light."
The examiner cites Schwartz and Mueller et al. [Page 17, Paragraph 188].

The examiner's rejection of Claim 34 is based upon the examiner's references of Claim 27 combined with the DIP switch of Mueller et al.

Dipswitches have been well known in the art of switches for many years and the DIP switch of Mueller et al. is not new or unusual in the art of switches.

A dipswitch or DIP (dual inline package) switch, is a series of tiny single-pole single-throw (SPST) switches built into circuit boards. The housing for the switches, which has the same shape as a chip, is the DIP. A SIP (single inline package) switch offers similar operation, but in a single linear configuration.

Dipswitches enable the configuration of a circuit board for a particular type of computer or application. The installation instructions tell how to set the switches. Dipswitches are toggle switches, which means they have two possible positions - ON or OFF, or the numbers 1 or 0 for these SPST switches. A two-position DIP switch is basically two separate SPST switches packaged close together.

After consideration of the various types of switches known in the art of switches to select the red or green colors of the LEDs for the indicia of the present application, the applicant selected what is believed to be the best mode of operation known in the art of

switches that enables the selection of the color red or the color green for the present disclosure in a low profile and compact package. In addition, a dipswitch can best achieve the color yellow as applied to the present application in the opinion of the applicant, and for this additional reason has disclosed a dipswitch. (Underscoring added.)

An alternate mode of switch operation, as one example not disclosed in the application is to use a single and separate SPST switch for the red LEDs, and a single and separate SPST switch for the green LEDs. Turning on both the SPST switches will give the color yellow.

Another alternate mode of switch operation, as another example also not disclosed in the application, is to use two separate double-pole single-throw or DPST switches, one for the red LEDs and one for the green LEDs. DPST switches offer ON or ON positions. The other ON position on each DPST switch is not connected. Such a switch could still achieve the color yellow.

Yet another alternate mode of switch operation also not disclosed in the application is to use three separate SPST switches or a three-position DIP switch one for each red, green, or yellow color LED arrays. This choice is not preferred, because yellow LEDs will have to be used that will increase cost.

A final alternate mode of switch operation not disclosed in the application is to use a single DPST switch with the red and green LEDs connected to either side of the ON or ON poles. This choice is also not preferred, because no yellow color is achievable. Only the red or green LEDs can be ON at one time, but not both on at the same time with this configuration.

All of the above switches are so well known in the art of switches that the

applicant did not believe it necessary to review all possible switches known but disclosed only what is believed to be the best type of switch to achieve the task required. Specifically, the applicant believes that the "means for selective activation of said plurality of LEDs to produce either said red light or said green light" requires the disclosure of only the best mode of switch mechanism to be used. (Underscoring added.)

Also, Schwartz does not anticipate the second, third, and fourth features of Claim 27 cited by the examiner under Paragraph 22 and traversed by the applicant. Claim 34 is dependent on Claim 27, and the limitations of Claim 27 set forth under Paragraph 22 are likewise applicable to Claim 34.

For the above reasons, the applicant believes that the examiner's rejection of Claim 34 is traversed.

Claim 35 is dependent on Claim 34 which is dependent on Claim 27 and the rejections of the second, third, and fourth features of Claim 27 set forth under Paragraph 22 and traversed by the applicant are likewise applicable to Claim 34 and thus also to Claim 35, and therefore the combination of Schwartz combined with Mueller et al. neither describes nor suggests Claim 35.

For the above reasons, the applicant believes that the examiner's rejection of Claim 35 is traversed.

LISTING OF THE CLAIMS

Claim 1 (Previously presented): An exit sign comprising:

a housing,

a plurality of LEDs having the capability of being selectively activated to produce either red light or green light, said plurality of LEDs being mounted in mutual lighting association in said housing,

means for selective activation of said plurality of LEDs to produce either said red light or said green light,

means for passing light from selected said red light or selected said green light in the form of indicia symbolizing an exit enabling viewing by an observer,

means for optically diffusing said light positioned in said housing juxtapositioned to said plurality of LEDs and said means for passing light,

DC circuitry in operative electrical connection with said plurality of LEDs, and

a source of DC electrical power activating said DC circuitry.

Claim 2 (Previously presented): The exit sign according to claim 1, wherein said plurality of LEDs further having the capability of being selectively activated by said means for selective activation to simultaneously emit both said red light and said green light so as to produce yellow light, and wherein said means for selective activation of said plurality of LEDs to produce both of said red light and said green light includes means to produce both said red light and said green light so as to produce said yellow light, wherein said yellow

light passes through said means for passing light enabling viewing of said indicia by an observer.

Claim 3 (Previously presented): The exit sign according to claim 1, wherein said plurality of LEDs includes a plurality of monochrome red LEDs and a plurality of monochrome green LEDs, each said monochrome red LED having the capability of being activated by said means for selective activation to produce said red light, and each said monochrome green LED having the capability of being activated by said means for selective activation to produce said green light.

Claim 4 (Previously presented): The exit sign according to claim 1, wherein said plurality of LEDs includes a plurality of bicolor LEDs, each said bicolor LED having the capability of being activated by said means for selective activation to produce either said red light or said green light.

Claim 5 (Previously presented): The exit sign according to claim 1, wherein said means for optically diffusing said light is an optical diffuser.

Claim 6 (Previously presented): The exit sign according to claim 1, wherein said means for passing light in the form of indicia is a non-transparent stencil defining light passageway openings forming said indicia, said light passing through said light passageway openings enabling viewing of said indicia by an observer.

Claim 7 (Previously presented): The exit sign according to claim 1, wherein said means for passing light in the form of indicia is a translucent stencil having non-transparent areas and transparent areas, said transparent areas forming said indicia, said light passing through said transparent areas enabling viewing of said indicia by an observer.

Claim 8 (Previously presented): The exit sign according to claim 1, wherein said indicia symbolizing an exit is four independent letters forming the word EXIT.

Claim 9 (Previously presented): The exit sign according to claim 1, wherein said indicia symbolizing an exit includes at least one symbol indicating an exit.

Claim 10 (Previously presented): The exit sign according to claim 1, further including means for passing light from selected said red light or selected said green light in the form of at least one directional symbol enabling viewing by an observer.

Claim 11 (Previously presented): The exit sign according to claim 1, wherein said means for selective activation to produce either of said red light or said green light is a two-position DIP switch.

Claim 12 (Previously presented): The exit sign according to claim 11, wherein said two-position DIP switch includes the capability to simultaneously activate both said red light and said green light so as to produce yellow light.

Claim 13 (Previously presented): The exit sign according to claim 1, further including battery means for providing emergency DC power to said plurality of LEDs in the event of failure of electrical DC power.

Claim14 (Previously presented): The exit sign according to claim 13, further including means for providing emergency light including a plurality of monochrome LEDs, said means for producing emergency light being in electrical connection to said battery means.

Claim 15 (Previously presented): An exit sign comprising:

a housing,

a plurality of monochrome red LEDs and a plurality of monochrome green LEDs having the capability of being selectively activated to produce either red light or green light, said plurality of monochrome red LEDs and said monochrome green LEDs being mounted in mutual lighting association in said housing,

means for selective activation of either said plurality of monochrome red LEDs to produce said red light or said plurality of monochrome green LEDs to produce said green light,

means for passing light from selected said red light or selected said green light in the form of indicia symbolizing an exit enabling viewing by an observer,

means for optically diffusing said red light or said green light positioned in said housing juxtapositioned to said plurality of monochrome red LEDs and said plurality of monochrome green LEDs and said means for passing light,

DC circuitry in operative electrical connection with said plurality of monochrome red LEDs and said plurality of monochrome green LEDs, and

a source of DC electrical power activating said DC circuitry.

Claim 16 (Previously presented): The exit sign according to claim 15, wherein said plurality of monochrome red LEDs and monochrome green LEDs have the capability of being selectively activated by said means for selective activation to simultaneously emit both said red light and said green light so as to produce yellow light, wherein said yellow light passes through said means for passing light enabling viewing of said indicia by an observer.

Claim 17 (Previously presented): The exit sign according to claim 15, wherein said means for passing light in the form of indicia is a non-transparent stencil defining light passageway openings forming said indicia, said light passing through said light passageway openings enabling viewing of said indicia by an observer.

Claim 18 (Previously presented): The exit sign according to claim 15, wherein said means for passing light in the form of indicia is a translucent stencil having non-transparent areas and transparent areas, said transparent areas forming said indicia, said

light passing through said transparent areas enabling viewing of said indicia by an observer.

Claim 19 (Previously presented): The exit sign according to claim 15, wherein said indicia symbolizing an exit is four independent letters forming the word EXIT.

Claim 20 (Previously presented): The exit sign according to claim 15, wherein said indicia symbolizing an exit includes at least one symbol indicating an exit.

Claim 21 (Previously presented): The exit sign according to claim 15, further including means for passing light from selected said red light or selected said green light in the form of at least one directional symbol enabling viewing by an observer.

Claim 22 (Previously presented): The exit sign according to claim 15, wherein said means for selective activation of said plurality of LEDs to produce either said red light and said green light is a two-position DIP switch.

Claim 23 (Previously presented): The exit sign according to claim 22, wherein said two-position DIP switch includes the capability to simultaneously activate both said red light and said green light so as to produce yellow light.

Claim 24 (Previously presented): The exit sign according to claim 15, wherein said means for optically diffusing said red and green light is an optical diffuser.

Claim 25 (Previously presented): The exit sign according to claim 15, further including battery means for providing emergency DC power to said plurality of monochrome red LEDs and said plurality of monochrome green LEDs in the event of failure of electrical DC power.

Claim 26 (Previously presented): The exit sign according to claim 15, further including means for providing emergency light including a plurality of monochrome LEDs, said means for producing emergency light being in electrical connection to said battery means.

Claim 27 (Previously presented): An exit sign comprising:

a housing,

a plurality of bicolor red and green LEDs having the capability of being selectively activated to produce either red light or green light, said plurality of bicolor red and green LEDs being mounted in mutual lighting association in said housing;

means for selective activation of said plurality of bicolor LEDs to produce either said red light or said green light,

means for passing light from selected said red light or selected said green light in the form of indicia symbolizing an exit enabling viewing by an observer,

means for optically diffusing said red light or said green light positioned in said housing juxtapositioned to said plurality of bicolor red and green LEDs and said means for passing light,

DC circuitry in operative electrical connection with said plurality of bicolor red and green LEDs, and

a source of DC electrical power activating said DC circuitry.

Claim 28 (Previously presented): The exit sign according to claim 27, wherein said plurality of bicolor red and green LEDs have the capability of being selectively activated by said means for selective activation to simultaneously emit both said red light and said green light so as to produce yellow light, wherein said yellow light passes through said means for passing light enabling viewing of said indicia by an observer.

Claim 29 (Previously presented): The exit sign according to claim 27, wherein said means for passing light in the form of indicia is a non-transparent stencil defining light passageway openings forming said indicia, said light passing through said light passageway openings enabling viewing of said indicia by an observer.

Claim 30 (Previously presented): The exit sign according to claim 27, wherein said means for passing light in the form of indicia is a translucent stencil having non-transparent areas and transparent areas, said transparent areas forming said indicia, said light passing through said transparent areas enabling viewing of said indicia by an observer.

Claim 31 (Previously presented); The exit sign according to claim 27, wherein said indicia symbolizing an exit is four independent letters forming the word EXIT.

Claim 32 (Previously presented): The exit sign according to claim 27, wherein said indicia symbolizing an exit includes at least one symbol indicating an exit.

Claim 33 (Previously presented): The exit sign according to claim 27, further including means for passing light from selected said red light or selected said green light in the form of at least one directional symbol enabling viewing by an observer.

Claim 34 (Previously presented): The exit sign according to claim 27, wherein said means for selective activation of said plurality of bicolor LEDs to produce either said red light or said green light is a two-position DIP switch.

Claim 35 (Previously presented): The exit sign according to claim 34, wherein said two-position DIP switch includes the capability to simultaneously activate both said red light and said green light of said plurality of bicolor red and green LEDs so as to produce yellow light.

Claim 36 (Previously presented). The exit sign according to claim 27, wherein said means for optically diffusing said red and green light is an optical diffuser.

Claim 37 (Previously presented): The exit sign according to claim 27, further including battery means for providing emergency DC power to said plurality of bicolor red and green LEDs in the event of failure of electrical DC power.

Claim 38 (Previously presented): The exit sign according to claim 27, further including means for providing emergency light including a plurality of monochrome LEDs, said means for producing emergency light being in electrical connection to said battery means.

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In summary, the applicant believes that basis for the rejection of all claims 1-38 as submitted by the applicant and rejected by the examiner has been traversed.

Approval of previously presented claims as submitted is respectfully requested.

Accordingly, favorable reconsideration and passage of this application to formal allowance is earnestly solicited at an early date.

Respectfully submitted,

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